CITY OF ARCATA
MITIGATED NEGATIVE DECLARATION

PROPOSED PROJECT:

File #:
Project: Arcata Baylands Enhancement/Restoration Project

USFWS National Coastal Wetland grant funds will be used to acquire a total of 68.3 acres of additional wetland habitat, 64.9 acres is in the Jacoby Creek/Gannon Slough area and 3.4 acres is in the McDaniel Slough area. In addition the project will restore and enhance 82.4 acres in both slough areas.
Application Type: Grading Permit
Location: The Project area is located in the City of Arcata in Humboldt County - Arcata South T6N, R1E Section 31, 32 & 33 of H.B.M and Section 4 of T5N R1E.
Owner: City of Arcata
Applicant: City of Arcata, Environmental Services Dept.
App. Rec'd:

FINDINGS:

This project is subject to the provisions of the California Environmental Quality Act. The City of Arcata, on the basis of information documented in the Initial Study, has found that the project will not have any significant adverse effects for the following reasons: (Sec. 15083, CA Adm. Code):

a) The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

b) The project, with mitigation incorporated into the conditions of approval, does not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals.

c) The project, with mitigation incorporation into the conditions of approval, does not have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects).

d) The project, with mitigation incorporated into the conditions of approval, does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

FACTS SUPPORTING FINDINGS:

LAND USE: The project will conform to the land use requirements, and is a permitted use in the zone. The project site is located within the Coastal Zone.

AIR QUALITY: The project will not affect air quality with respect to dust generation form construction projects with mitigation measures incorporated.

BIOLOGICAL RESOURCES: The project will not affect biological resources associated with creek and wetland habitats by conducting work in the dry season and incorporating other mitigation measures to protect aquatic species and prevent erosion and sediment.

CULTURAL RESOURCES: There is the potential for finding resources on site. Mitigation measures are incorporated in the event that these resources are encountered.

NOISE: Noise generated by this project will be construction related. Construction related noise will be mitigated by limiting the hours of work.

MITIGATION: All work will be done during the dry season to minimize impacts to any species that are dependent on an aquatic environment for reproduction and development. Work in creeks will also be limited to the dry season to minimize impacts to fish spawning. Dry season work will eliminate impacts for runoff from drainage ways. Silt fences will be installed in creeks down stream from the project areas to prevent sediment from being mobilized and traveling down stream.

All active construction areas shall be watered twice per day to keep soil moist and prevent formation of wind-blown dust. All unpaved access roads, parking areas, and construction staging areas shall be paved, watered , or treated with non-toxic soil stabilizers as needed to prevent dust problems. All paved access roads, parking areas, and construction staging areas shall be cleaned daily with water sweepers during construction. If visible soil is carried out onto adjacent streets, the area shall be washed with water or by a water sweeper truck. Hydroseeding or non-toxic soil stabilizers shall be applied to inactive construction areas (previously graded areas inactive for ten days or more). Exposed stockpiles of dirt, sand, and similar materials shall be enclosed, covered, watered daily, or treated with non-toxic soil binders. Traffic speeds on unpaved roads shall be limited to 10 miles per hour. Sandbags, hay bales, or other erosion control measures shall be installed to prevent silt runoff to public roadways. Vegetation in disturbed areas shall be replanted within 30 days after project completion. Outdoor dust-producing activities shall be suspended when high winds create visible dust plumes in spite of control measures.

Should any paleontological, archaeological, historical or unique ethnic or sacred resources be encountered during construction or grading operations, all ground-disturbing work shall be temporarily halted on site. Work on site shall not be resumed until a qualified archeologist has evaluated the materials and offered recommendations for further action. Prehistoric materials which could be encountered include: obsidian or chert flakes or tools, locally darkened midden, groundstone artifacts, depositions of shell, dietary bone, and human burials. Should human remains be uncovered, State law requires that the County Coroner be contacted immediately. Should the Coroner determine that the remains are likely those of a Native American, the California Native Heritage Commission must be contacted. The Heritage Commission consults with the most likely Native American descendants to determine the appropriate treatment of the remains.

Construction activity shall be limited to the hours of 8:00 a.m. to 5:00 p.m. on weekdays. Heavy equipment shall not be operated on weekends and holidays.

COMMENT PERIOD: **May 5, 2006-June 5, 2006**
DATE OF INITIAL STUDY: **May 5, 2006**
DATE APPROVED:
DATE OF THIS NOTICE:

ATTEST:

_____

Tom Conlon
Director - City of Arcata Department of Community Development
736 “F” Street, Arcata, CA 95521
(707) 825-2142

Appendix C
Notice of Completion

State of California
Office of Planning and Research
1400 Tenth Street
Sacramento, Ca 95814

Arcata Baylands Enhancement/Restoration Project
Project Title

The Project area is located in the City of Arcata in Humboldt County - Arcata South T6N, R1E Section 31, 32 & 33 of H.B.M and Section 4 of T5N R1E.
Project Location - Specific

City of Arcata	Humboldt County
Project Location - City	**Project Location - County**

USFWS National Coastal Wetland grant funds will be used to acquire a total of 68.3 acres of additional wetland habitat, 64.9 acres is in the Jacoby Creek/Gannon Slough area and 3.4 acres is in the McDaniel Slough area. In addition the project will restore and enhance 82.4 acres in both slough areas. Restoration/enhancement on the 82.4 acres of wetlands is proposed as follows:

(a.) Restore 65 acres in the Jacoby Creek/Gannon Slough Area: (1) Restore 30.0 acres of estuarine channels associated with Jacoby Creek via tidegate modification/removal, (2) Restore 15.0 acres of estuarine channels associated with Gannon Slough via tidegate removal/modification, and (3) Restore 20.0 acres of Jacoby Creek floodplain and riparian forest along 3,767 lineal feet of Jacoby Creek by removing 4,291.5 feet of levees, fencing out livestock (7,534 feet of fencing) and revegetating the riparian corridor with Sitka spruce, Western red cedar, Red alder and native willow.

(b.) Enhance 9.0 acres in the Jacoby Creek/Gannon Slough Area by constructing up to three ponds that total 2.4 acres on the 64.9-acre property acquired in fee title with grant funds, and up to two ponds that total 6.6 acres on existing Project lands.

(c.) Restore 2.5 acres of riparian forest in McDaniel Slough Area along 1,470 lineal feet of Janes Creek by installing fencing (2,940 feet of fencing) and revegetating the riparian corridor on the 3.4-acre property acquired in fee title with grant funds.

(d.) Enhance 5.5 acres of McDaniel Slough Area by constructing a 5.5-acre pond on existing Project lands.

(e.) Provide public natural resource-related activities including guided walks, nature study, bird watching, photography, hiking and scientific and educational study.
Description of Nature, Purpose, and Beneficiaries of Project

City of Arcata	Community Development Department
Lead Agency	**Division**

736 F Street, Arcata, CA 95521
Address Where Copy of Environmental Document is Available

May 5, 2006 –June 5, 2006
Review Period

Michael Mullen;, Planning Program Manager (707)822-5955/e-mail: mmmullen@arcatacityhall.org
Contact Person **Area Code/Phone/Extension**

Notice of Completion and Environmental Document Transmittal Form
Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 C 916/445-0613

See NOTE below
SCH#

1. Project Title Arcata Baylands Enhancement/Restoration Project
2. Lead Agency City of Arcata
3. Contact Person Michael Mullen
3a. Street Address 736 "F" Street
3b. City Arcata
3c. County Humboldt 3d. Zip 95521
3e. Phone (707) 822-5955
/e-mail mmullen@arcatacityhall.org

Project Location Janes Creek/McDaniel Slough, Gannon Slough, Jacoby Creek and wetland areas between Old Arcata Road/Samoa Blvd and Highway 101

4. County Humboldt 4a. Community Arcata
4b. Assessors Parcel Number 501-042-001, 505-251-006, 505-251-010, 503-251-002, 021-191-005, 501-042-008, 501-042-005, 501-061-001, 501-061-023
4c. Section Sec 31, 32,33 Twp.6N R1E & Section 4 T5N R1E
5a. Cross Streets South of Samoa Blvd/Old Arcata Rd., east of Hgwy 101 5b. For Rural, Nearest Community n/a
6. Within 2 miles: a. no State Hwy# 101/255 b. Airports none c.Railways None operational
d. Waterways Janes Creek, McDaniel Slough, Gannon Slough, Jacoby Creek, Humboldt Bay

7. Document Type

CEQA: 01. ☐NOP 02. ☐Early Cons 03. ☑Neg Dec 04. ☐Draft EIR 05. ☐Supp/Subs EIR 06. ☐NOE 07. ☐NOC 08. ☐NOD
NEPA: 09. ☐NOI 10. ☐FONSI 11. ☐Draft EIS 12. ☐EA 13. ☐Joint Document 14. ☐Final Document 15. ☑Other No Local Action Required

8. Local Action Type

01. ☐ General Plan Update 02. ☐ New Element 03. ☐General Plan Amend. 04. ☐ Master Plan 05. ☐ Annexation 06. ☐ Specific Plan 07. ☐ Community Plan 08. ☐ Redevelopment 09. ☐ Rezone 10. ☐ Land Division 11. ☐ Use Permit 12. ☐ Waste Mgmt Plan 13. ☐ Cancel Ag Preserve 14. ☐ Other

9. Development Type

01. ☐Residential: Units____ Acres____
02. ☐Office: Sq.ft.____ Acres____ Emp.___
03. ☐Shopping/Comm: Sq.ft.____ Acres____ Emp.___
04. ☐Industrial: Sq.ft.____ Acres____ Emp.___
05. ☐Water Facilities: MGD____
06. ☐Transportation: Type____
07. ☐Mining: Mineral____
08. ☐Power: Type___ Watts____
09. ☐Waste Treat. Type____
10. ☐OCS Related
11. ☑Other Creek Enhancement/Restoration

10. Total Acres 150 11. **Total Jobs Created** 0

12. Project Issues Discussed in Document

01. ☑Aesthetic/Visual
02. ☑Agricultural Land
03. ☑Air Quality
04. ☑Archaeological/Historic
05. ☑Coastal Zone
06. ☐Economic
07. ☐Fire Hazard
08. ☑Flooding/Drainage
09. ☑Geologic/Seismic
10. ☐Jobs/Housing Balance
11. ☑Minerals
12. ☑Noise
13. ☐Public Services
14. ☐Schools
15. ☐Septic Systems
16. ☐Sewer Capacity
17. ☐Social
18. ☑Soil Erosion
19. ☐Solid Waste
20. ☐Toxic/Hazardous
21. ☑Traffic/Circulation
22. ☐Vegetation
23. ☑Water Quality
24. ☐Water Supply
25. ☑Wetland/Riparian
26. ☑Wildlife
27. ☐Growth Inducing
28. ☐Incompatible Land Use
29. ☑Cumulative Effects
30. ☐Other

13. Funding (approx.) Federal $ 928,000 State$ ____ Total$ 928,000

14. Present Land Use and Zoning – AG Exclusive, Natural Resources with a Creek/Wetland Combining Zone

TOTAL P.01

15. USFWS National Coastal Wetland grant funds will be used to acquire a total of 68.3 acres of additional wetland habitat, 64.9 acres is in the Jacoby Creek/Gannon Slough area and 3.4 acres is in the McDaniel Slough area. In addition the project will restore and enhance 82.4 acres in both slough areas.

16. Signature of Lead Agency Rep. Michael S. Mutte

Date May 5, 2006

NOTE: Clearinghouse will assign identification numbers for all new project. If a SCH number already exists for a project (E.G. from a Notice of Preparation or pervious draft document) please fill it in.

Reviewing Agencies

- ☐ Resources Agency
- ☐ Boating/Waterways
- ☑ Conservation
  - ☑ Land Resources Protection
  - ☑ Division of Mines and Geology
- ☑ Fish and Game
- ☑ Forestry
- ☐ Colorado River Board
- ☐ Dept. Water Resources
- ☐ Reclamation
- ☐ Parks and Recreation
- ☑ Office of Historic Preservation
- ☑ Native American Heritage Commission
- ☐ S.F. Bay cons. and Dev=t commission
- ☑ Coastal Commission
- ☐ Energy Commission
- ☐ State Lands Commission
- ☑ Air Resources Board
- ☐ Solid Waste Management Board
- ☐ SWRCB: Sacramento
- ☑ RWQCB: Region # 1
- ☐ Water Rights
- ☐ Water Quality
- ☑ Caltrans District 1
- ☐ Dept. of Transportation Planning
- ☐ Aeronautics
- ☐ California Highway Patrol
- ☑ Housing and Community Dev=t
- ☐ Statewide Health Planning
  - ☐ Health
  - ☐ Food and Agriculture
- ☐ Public Utilities Commission
- ☐ Public Works
  - ☐ Corrections
  - ☐ General Services
  - ☐ OLA
  - ☐ Santa Monica Mountains
  - ☐ TRPA
  - ☐ OPR - OLGA
  - ☐ OPR - Coastal
  - ☐ Bureau of Land Management
  - ☐ Forest Service
  - ☐ Other_____
- ☐ Other_____

For SCH Use Only:

Date Received at SCH_____ Catalog Number_____
Date Review Starts_____ Applicant_____
Date to Agencies_____ Consultant_____
Date to SCH_____ Contact_____Phone_____
Clearance Date_____ Address_____
*Notes:*_____

TOTAL P.01

CITY OF ARCATA **Initial Study**

Community Development Department, 736 "F" Street, Arcata, CA 95521, (707) 822-5955

DRAFT INITIAL STUDY and CHECKLIST

PROJECT: Arcata Baylands Enhancement/Restoration Project

LEAD AGENCY: City of Arcata
736 F Street
Arcata, CA 95521

LEAD AGENCY CONTACT PERSON:
Michael Mullen; (707) 822-5955
Senior Planner
Community Development Department

THIS *INITIAL STUDY and CHECKLIST* PREPARED BY:
Juli Neander
Resource Specialist
Environmental Services Department
(707)822-8184

PROJECT LOCATION: The Project area is located in the City of Arcata in Humboldt County - Arcata South T6N, R1E Section 31, 31 & 33 of H.B.M and Section 4 of T5N R1E. See Project Location Map and Figure 7 (Project sites outlined over an aerial photo). Assessors parcel numbers and associated acreages for the different properties comprising the Project area are summarized on the attached Arcata Baylands Parcels Map.

PROJECT PROPONENT: City of Arcata
Environmental Services Department
736 F Street
Arcata, CA 95521
707-822-8184

PROPERTY OWNER: City of Arcata
736 F Street
Arcata, CA 95521
707-822-8184

ZONING/GENERAL PLAN DESIGNATION: Agriculture Exclusive, Natural Resource, with a Wetland and Stream Protection Combining Zone Overlay

PARCEL NUMBERS: 501-042-001, 505-251-006, 505-251-010, 503-251-002, 021-191-005, 501-042-008, 501-042-005, 501-061-001, 501-061-023

PROJECT SUMMARY: The Arcata Baylands Project will establish a connectivity of habitat encompassing over 1,300 acres of locally-, state- and federally-protected lands adjacent to the northern edge of Humboldt Bay. The sites within the Project Area are directly adjacent to or nearby USFWS Humboldt Bay Wildlife Refuge lands, the 225-acre Arcata Marsh and Wildlife Sanctuary, the 508-acre California Department of Fish and Game Mad River Slough Wildlife Area, and Jacoby Creek Land Trust.

Most of the Arcata Baylands Project Area consists of former tidelands that now support grazing and other agricultural uses with residential farmhouses. This area is zoned for agricultural and natural resource uses. Location and project plan maps are attached.

The Arcata Baylands Project Area is part of the larger Humboldt Bay ecosystem that accommodates fish, waterfowl, wading birds, shorebirds, passerines, raptors, and, other water- associated wildlife. Humboldt Bay is second only to San Francisco Bay in the numbers and variety of migratory water-associated birds wintering in the coastal segment of the Pacific Flyway of California. It is one of California's most important stopovers for migrating birds. Waterfowl use the area for nesting, feeding and resting. Eighteen State-listed bird species ("endangered" or "species of special concern") are found in or adjacent to this area.

This Project will protect, restore, and enhance freshwater, estuarine, and riparian habitats adjacent to Humboldt Bay. The Project lands will be owned and managed by the City of Arcata in perpetuity for the conservation of coastal wetland habitats and the fish and wildlife populations that depend on them. Restoration and enhancement work will include expanding and reestablishing estuary areas on Gannon Slough and Jacoby Creek, constructing deep and shallow ponds for waterfowl habitat, and enhancing instream and riparian habitat along Janes Creek.

The Arcata Baylands Project involves two broad activities – the acquisition of additional wetland habitat and the restoration/enhancement of wetland habitat. The Arcata Baylands Project Area encompasses two distinct sub-sites, the 136.5 acre Jacoby Creek/Gannon Slough Project Area and the 8.9 acre McDaniel Slough Project Area (see Figure 7). U.S. Fish and Wildlife National Coastal Wetland grant funds will be used to acquire 68.3 acres of additional wetland habitat, 64.9 acres in the Jacoby Creek/Gannon Slough Project Area (a portion of the larger 136.5 acre project area) and 3.4 acres in the McDaniel Slough Project Area (a portion of the larger 8.9 acre project area). The same funding source will also be used to conduct restoration and enhancement activities over 82 acres in both slough areas.

Restoration/enhancement on the 82 acres of wetlands is proposed as follows:

(a.) Restore 65 acres in the Jacoby Creek/Gannon Slough Project Area: (1) Restore 30.0 acres of estuarine channels associated with Jacoby Creek via tidegate modification/removal, (2) Restore 15.0 acres of estuarine channels associated with Gannon Slough via tidegate removal/modification, and (3) Restore 20.0 acres of Jacoby Creek floodplain and riparian forest along 3,767 lineal feet of Jacoby Creek by removing 4,291.5 feet of levees, fencing out livestock (7,534 feet of fencing) and revegetating the riparian corridor with Sitka spruce, Red alder and native willow.

(b.) Enhance 9.0 acres in the Jacoby Creek/Gannon Slough Project Area: by constructing up to three ponds that total 2.4 acres on the 64.9-acre property acquired in fee title with grant funds, and up to two ponds that total 6.6 acres on existing Project lands.

(c.) Restore 2.5 acres of riparian forest in McDaniel Slough Project Area along 1,470 lineal feet of Janes Creek: Install fencing (2,940 feet of fencing) and revegetate the riparian corridor on the 3.4-acre property acquired in fee title with grant funds.

(d.) Enhance 5.5 acres of McDaniel Slough Project Area: Construct a 5.5 acre pond on existing Project lands.

(e.) Provide public natural resource-related activities in both project areas: Develop and implement programs for guided walks, nature study, bird watching, photography, hiking and scientific and educational study.

RESOURCE BENEFITS

Existing levees will be removed and tidegates will be modified to allow muted tidal exchange to enhance the Jacoby Creek and Gannon Slough estuarine function. Many wildlife species that are attracted to the estuarine systems require lower floodplain habitats for foraging habitat and cover. This restoration component will benefit anadromous fish, wading birds, waterfowl and other estuarine-associated wildlife, including the federally-listed Coho salmon (Oncorhynchus kisutch), Chinook salmon (Oncorhynchus tshawytscha), Tidewater goby (Eucyclogobius newberryi), and Steelhead – Northern California ESU (Oncorhynchus mykiss).

Newly-created estuarine conditions in the lower reaches of Jacoby Creek, resulting from levee removal and tide gate modification, will provide additional rearing habitat for the third largest Coho run of the Humboldt Bay streams as well as benefit Steelhead. Restored and enhanced riparian habitat on Jacoby Creek and Gannon Slough and its tributaries, will also improve rearing habitat for Chinook salmon. Reestablishment of riparian canopy will improve habitat and cover for Coastal cutthroat trout (Oncorhynchus clarki clarki), Coho salmon (Oncorhynchus kisutch), Steelhead (Oncorhynchus mykiss), and Chinook (Oncorhynchus tshawytscha).

The project specifically supports the California Department of Fish and Game (CDFG) Recovery Strategy for California Coho Salmon Eureka Plain Hydrological Unit goals to "work with agencies and landowners, to re-establish estuarine function," "maintain and restore a functioning flood plain and natural channel processes where practicable," "maintain functional riparian habitat," "prevent point and non-point source pollution (i.e.,…livestock…) by actions to where necessary, limit direct livestock access to stream…," "maintain open space lands (e.g., agriculture, forestland) for water retention and limit addition of impervious surfaces in the watershed," and "facilitate and sustain a well informed watershed community with regards to coho habitat issues."

Estuarine and freshwater wetland protection and enhancement improves habitat at a Site of International Importance for Shorebirds, as listed by the Western Hemisphere Shorebird Reserve Network benefiting shorebirds using Humboldt Bay and surrounding seasonally-wet pasturelands. The project also supports the Southern Pacific Coast Regional Shorebird Conservation Plan, which calls for maintaining numbers of all migrant and wintering shorebirds at current levels, restoring mudflats and tidal action in coastal wetlands to compensate for past habitat loss and degradation, and protecting seasonal wetlands and pastures from development in the Humboldt Bay region.

The Humboldt Bay area attracts large concentrations of migratory waterfowl. The project's wetland protection and enhancement will benefit several habitats valuable to waterfowl, including estuarine areas, riparian forest, seasonal wetland ponds and seasonally-wet pasture lands. Humboldt Bay is also an essential wintering and stopover site for migratory birds, and supports many species of coastal-dependent waterbirds. Six species of herons and egrets are common to the project site, including large numbers of Great Blue Herons and Great Egrets. Arcata Baylands Project benefits to theses species include enhanced intertidal estuarine, riparian forest and palustrine wetland habitats. In addition many species of Neotropical migrants and other passerines use the Jacoby Creek riparian area that the project will protect, restore and enhance. Enhancement of forest riparian habitat will also benefit raptors, wood ducks, woodpeckers, herons, egrets, fox, deer, and other species.

Bald Eagle, Brown Pelican, Common Loon, Double crested cormorant , Osprey, and Long-billed curlew may indirectly benefit by increased forage species from restoring habitat conditions in the lower reaches of the streams and in the estuary. Habitat restoration efforts to maintain and increase populations of shorebirds and waterfowl provide prey for local wintering and breeding Peregrines.

Cattle exclusion fencing will reduce contaminant loading from sediment and livestock fecal matter. Water quality will be improved by reducing fecal coliform and nutrient loading, improving stream bank integrity, and decreasing sediment inputs from eroding stream banks.

The project acquisitions protect, in perpetuity, agricultural wetland habitat for the Aleutian goose populations. These agricultural wetlands provide spring foraging habitat to support continued recovery and relieve pressure on commercially-important agricultural grazing lands.

METHODS

The Arcata Baylands Project will protect and restore or enhance coastal wetlands adjacent to Humboldt Bay. Approximately one-half of the project area acreage (73.9 acres) will be owned and managed in perpetuity by the City of Arcata as open space to conserve coastal wetland habitats and the fish and wildlife populations that depend on them. The remaining 71.5 acres will also be owned and managed by the City of Arcata as open space but will continue to be grazed.

Reestablishing estuary areas will involve use of heavy equipment to excavate and shape channels and bays. This material will be hauled to permitted off-site locations. Estuarine channels will be reconnected to Humboldt Bay by either removing or modifying tide gates to provide muted openings. Constructing deep and shallow ponds for waterfowl habitat and removal of levees along Jacoby Creek will also require use of heavy equipment. Ponds will be placed in areas with shallow water tables. Again, fill material will be hauled offsite in 20-yard dump trucks to approved fill locations.

Artificial snags will be placed near the restoration sites. Large logs obtained from nearby forest areas will be buried upright with excavators and the tops broken off to mimic natural snags. These structures will provide roosting areas as well as potential cavity nesting sites. Riparian areas, constructed wetlands and tidal channels will be planted with native grasses, trees and shrubs. Concurrent with planting, invasive non-native plants will be removed.

Fill removed from the project area (approximately 98,000 yd3) will be taken to approved fill sites. Location maps for fill sites are attached. The City will prevent negative environmental impacts by undertaking this work in the summer or early fall and low tide when the creeks are in low flow conditions and water is not present for tide gate modification, or wetland excavation. The work is planned for the dry season when these species are not reproducing. Eggs and larvae of aquatic species will not be present when work is being performed. This timing also minimizes impacts to breeding birds that might be using the area and will occur after the Aleutian Canada geese have left the area. When work in or near the creek channels occurs, the City will install silt fences both upstream and down stream of the work sites and isolate the creek from the work areas. Location maps and project plans are attached.

SURROUNDING LAND USES AND SETTING: The project area is zoned Agriculture Exclusive (A-E) and Natural Resource (NR) with a Wetland and Creek Protection Overlay Zone. The site is in the 100 year FEMA floodplain. It is located in the coastal zone. It is not located close to fault zones. The surrounding areas are Agricultural Exclusive, Natural Resource, Industrial Limited, Industrial General, and Public Facility. Site vegetation is comprised of agricultural grasslands and riparian vegetation adjacent to Jacoby Creek.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Hazards & Hazardous Materials	☐ Public Services
☐ Agricultural Resources	☐ Hydrology/Water Quality	☐ Recreation
☐ Air Quality	☐ Land Use/Planning	☐ Transportation/Traffic
☐ Biological Resources	☐ Mineral Resources	☐ Utilities/Service Systems
☐ Cultural Resources	☐ Noise	☐ Mandatory Findings of Significance
☐ Geology/Soils	☐ Population/Housing	

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☑ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DEDCLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Date

Printed Name For

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).

5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:

   (a) Earlier Analysis Used. Identify and state where they are available for review.

   (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   (c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested from, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significant.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
1. **AESTHETICS.** Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
2. **AGRICULTURE RESOURCES**: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project?				
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			X	
3. **AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X
4. **BIOLOGICAL RESOURCES**. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of ?Fish and Game or U. S. Fish and Wildlife Service?		X		
b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat				X

conservation plan?				
5. **CULTURAL RESOURCES**. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
d) Disturb any human remains, including those interred outside of formal cemeteries?		X		
6. **GEOLOGY AND SOILS**. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
(ii) Strong seismic ground shaking?				X
(iii) Seismic-related ground failure, including liquefaction?				X
(iv) Landslides?				X
(b) Result in substantial soil erosion or the loss of topsoil?		X		
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
(d) Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
7. **HAZARDS AND HAZARDOUS MATERIALS.** Would the project?				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an exiting or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
8. **HYDROLOGY AND WATER QUALITY**. Would the project:				
a) Violate any water quality standards or waste discharge requirements?		X		
b) Substantially degrade groundwater supplies or interfere substantially with				X

groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?		X		
e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
9. **LAND USE AND PLANNING**. Would the project:				
a) Physically divide an established community?				X
b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?				X
10. **MINERAL RESOURCES.** Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
11. **NOISE.** Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

12. **POPULATION AND HOUSING.** Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
13. **PUBLIC SERVICES**. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?				X
b) Police protection?				X
c) Schools?				X
d) Parks?				X
e) Other public facilities?				X
14. **RECREATION.**				
a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
15. **TRANSPORTATION/TRAFFIC.** Would the project:				
a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
16. **UTILITIES AND SERVICE SYSTEMS.** Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X

e) Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f)) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statues and regulations related to solid waste?				X
17. **MANDATORY FINDINGS OF SIGNIFICANCE.**				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				X

DISCUSSION OF CHECKLIST RESPONSES

1. AESTHETICS.

a) Finding: The project will not have a substantial adverse effect on a scenic vista.

Discussion: The project will acquire 68.3 acres for wildlife habitat protection and enhancement and conduct restoration and enhancement activities over 82 acres of acquired and adjacent lands. Restoration Enhancement activities include: Restoring estuarine channels associated with Jacoby Creek and Gannon Slough via tidegate modification/removal. Restoring 20.0 acres of Jacoby Creek floodplain and riparian forest along 3,767 lineal feet of Jacoby Creek by removing 4,291.5 feet of levees, fencing out livestock (7,534 feet of fencing) and revegetating the riparian corridor with Sitka spruce, Red alder and native willow. Restoring 2.5 acres of riparian forest in the McDaniel Slough Project Area along 1,470 lineal feet of Janes Creek by installing fencing (2,940 feet of fencing) and revegetating the riparian corridor on the 3.4-acre property acquired in fee title with grant funds. Constructing ponds that total 9 acres of freshwater ponds on lands in the Jacoby Creek/Gannon slough Project Area and a 5.5 acre pond near the McDaniel Slough Project Area to improve habitat for waterfowl and other water associated wildlife. These areas are visible from Old Arcata Road, Highway 101 and Samoa Boulevard. Restoration and enhancement activities will not obstruct the existing views. Changes to the landscape resulting from this project will be creation of seasonal ponds in areas that currently pond water during the winter, fencing with single strand electric fencing along riparian areas, revegetation with native trees and shrubs along the riparian corridors and creation of estuarine conditions on grasslands that lie close to Humboldt Bay where existing tide gates prevent tidal flow. These activities will not negatively impact scenic views.

b) Finding: The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
Discussion: See 1) a).

c) Finding: The project will not substantially degrade the existing visual character or quality of the site and its surroundings.
Discussion: See 1) a).

d) Finding: The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.
Discussion: The project will not create any new sources of light or glare.

2. AGRICULTURE RESOURCES.

a) Finding: The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

Discussion: This project does not involve a change in land use designation that would conflict with agricultural use or a Williamson Act contract. There are no Williamson Act contracts on these properties. The Arcata 1985 General Plan land use designation of the project sites is Agricultural Exclusive, which also permits the use of the property for wildlife habitat management. The Arcata General Plan 2020 land use designation for the McDaniel Slough project site, Natural Resources – NR also allows for continued grazing on this land. However, General Plan 2020 is not applicable in the coastal zone as it has not yet been submitted for certification by the California Coastal Commission. The proposed project is entirely within the coastal zone. The Arcata General Plan 2020 land use designation for the Jacoby Creek/Gannon Slough project site is also Agriculture Exclusive. The proposed uses of the property after acquisition and enhancement/restoration are consistent with the current and anticipated future zoning and, thus, no change of land use designation will be sought.

Currently 128.5 acres of the 136.5 acres of the Jacoby Creek/Gannon Slough Project Area is used for cattle grazing; the remaining 8 acres are not suitable for grazing or other activities and, therefore are left in open space. Following

acquisition and restoration/enhancement under this project, 71.5 acres will continue to be used for grazing and the remainder (65 acres) be preserved as open space and natural habitat. Of the McDaniel Slough Project Area's 8.9 acres, 3.4 are used for grazing. After project completion the entire 8.9 acres will be used for open space and natural habitat.

Historic maps of the area indicate that most of the project site is former tidelands (see Historic Tidelands Map). Current conditions result in inundation with water and such saturated soils that much of the area is not available for grazing between 5 and 7 months each year depending on rainfall. The Farmland Mapping and Monitoring Program has not mapped Humboldt County. Thus, there will be no conversion of "Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency".

Nonetheless, the proposed project will result in some minimal loss of grazing land, a small percentage of which is prime agricultural land under the City of Arcata planning laws. The City of Arcata General Plan 2020 defines "Prime Agricultural Land" as "land which qualifies for rating 60 – 100 with the Storie Index Rating."

The City of Arcata does not have a definition for "Farmland of Statewide Importance" or "Unique Farmland". The California General Plan Glossary defines farmland using the eight classifications of land mapped by the U.S.Department of Agriculture Soil Conservation Service. The Glossary defines "Farmland of Statewide Importance" as land other than Prime Farmland which has a good combination of physical and chemical characteristics for the production of crops. It must have been used for the production of irrigated crops within the last three years. "Unique Farmland." is land which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance, that is currently used for the production of specific high economic value crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality or high yields of a specific crop when treated and managed according to current farming methods. Examples of such crops may include oranges, olives, avocados, rice, grapes, and cut flowers. The minimum conditions required for designation of the project sites as either "Farmland of Statewide Importance" or "Unique Farmland" are not present.

Soils of Western Humboldt County, November 1965 classifies agricultural soils in the McDaniel Slough Project area as Bayside Silty Clay Loam 2 (Ba 2) (poorly drained) and Bayside Silty Clay Loam 3 (Ba3) (imperfectly rained). These are soils typical of reclaimed tidal marsh and have Soil Rating Index Numbers of 36 (Ba2) and 49 (Ba3). Grade 3 soils (Storie Index 40-60) are only fairly well suited to general intensive agricultural use, and these soils are generally not subject to erosional problems. Current use of the site is for grazing cattle and the use will continue on lands adjacent to the proposed riparian protection zone excluding cattle from only those that are fenced for protecting riparian habitat (2.5 acres). Another 5.5 acres in this area will be converted to a pond.

Estuarine restoration/enhancement in the Jacoby Creek/Gannon Slough Area are also located on Bayside Silty Clay Loam 2 (Ba 2) (poorly drained), and Bayside Silty Clay Loam 3 (Ba3) (imperfectly drained) soils. Soils in the Jacoby Creek area where shallow ponds are proposed are classified as Man Altered (not rated), Bayside Silty Clay Loam 2 (Ba 2 - poorly drained - Soil Rating Index Number 36), and Bayside Silty Clay Loam 3 (Ba3 - imperfectly drained - Soil Rating Index Number 49). The 9 acres should dry out in summer allowing for cattle use during the dry season.

Soils along Jacoby Creek where levee removal, fencing and riparian planting are proposed are rated Russ 2 (RU2 - Soil Rating Index 95), Russ 10 (Ru10 - Soil Rating Index 65), and Russ 12 (Ru12 -Soil Rating Index 90). These 20 acres are the only soils on the site that are classified as prime under the definition.

Therefore 62 acres of soils (Man-Altered and Bayside) soils that are **not prime** will be impacted. Of that, 47.5 will be permanently removed from grazing use and thus converted to non-ag use. A letter to the City dated October 2, 2003 from Gary Markegard, Farm Advisor, U.C. Cooperative Extension states that these types of soils have a carrying capacity of 3 acres per animal. Therefore pond excavation, estuarine enhancement and cattle exclusion along Janes Creek will result in a loss of carrying capacity for 16 cows. Impacts to these agricultural resources are considered less than significant due to the limited time during the year that these can be grazed and the impact to only 16 animals.

Overall 20 acres of prime agricultural soils, as defined by the City of Arcata General Plan 2020, will be removed from grazing use to protect and enhance riparian habitat adjacent to Jacoby Creek. However, 8 of those 20 acres are already vegetated with trees and are not usable for grazing. Therefore the project will result in a loss of 12 acres of grazing use of prime agricultural. These areas are also inundated with water and saturated during much of the winter limiting grazing use to drier times of the year. The fencing and planting will not alter the condition of or cause a loss of these soils. Grazing use will continue on 410 acres of lands adjacent to the project area. In short, only 12 acres of prime agricultural land, that are usable for grazing only for half of a year or less, out of a total of 145.4 acres, will be removed from agricultural activity. Therefore, the impact is less than significant.

b) Finding: The project will not conflict with existing zoning for agricultural use, or a Williamson Act contract.
Discussion: See 2a

c) Finding: The project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.
Discussion: See 2a

3. AIR QUALITY.

a) Finding: The project will not conflict with or obstruct implementation of the applicable air quality plan.

Discussion: The north coast climate is moderate with the predominant weather factor being moist air masses from the ocean. Average annual rainfall in the area is approximately 40 inches with the majority falling between October and April. Predominate wind direction is typically from the northwest during summer months; from the southwest during storm events occurring during winter months.

Air quality in the City of Arcata is regulated by the North Coast Unified Air Quality Management District (NCUAQMD). This district currently meets all federal air quality standards but is classified as non-attainment (exceeding maximum limits) for California Ambient Air Quality Standards for airborne particles that are ten microns in diameter and smaller (PM-10). As required by the California Clean Air Act, the NCUAQMD adopted an attainment plan in 1995 to identify major PM-10 sources and develop and implement control measures to meet state ambient air quality standards. The NCUAQMD's attainment plan established goals to reduce PM-10 emissions and eliminate the number of days in which standards are exceeded. The plan includes three areas of recommended control strategies to meet these goals: transportation, land use and burning. Control measures for these areas are included in the Attainment Plan and have also been incorporated in the Arcata General Plan: 2020. It is important to note that the air quality standards for PM-10 are often met and that incidents when the standards are exceeded occur in the winter months.

The proposed restoration and enhancement activities will use heavy equipment (backhoe, excavator, dump trucks, loader). The work will take two months in Summer/Fall 06 (in Jacoby area, modifying/removing 2 tidegates, removing dikes and levees; in McDaniel area, excavating 1 pond) and two months in Summer/Fall 07 (in Jacoby area, excavating 5 ponds; in McDaniel area, fencing along the creek corridor. Revegetation activities to be done in Winter 06/07 and Winter 07/08 will not have any PM-10 impacts, because they do not involve the use of heavy equipment .

Emissions from heavy equipment used during the two month period in the summer or early fall, will not conflict with air quality plans because the months with the highest PM-10 concentrations are December, January and February. Work with heavy equipment will not occur during these times of high PM-10 concentrations.

The NCUAQMD's Regulation 1 prohibits nuisance dust generation, such as that generated by construction activity. The City's standard condition for controlling dust emissions during construction (General Plan Policy AQ-2f (1-5)) has been included as a mitigation measure. City and DFG staff will develop an erosion control plan consistent with the standards provided in the City ordinances. Mitigation measures will include seeding and mulching of exposed bare soil prior to Nov. 15th. The seeding will be done using native grasses. Watering for dust control may be required especially at construction entrance and exit points. Based on the project description and its location, the proposed project will not result in a significant impact to air quality. This project will not conflict with or obstruct the implementation of an air quality plan.

b) Finding: The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation.
Discussion: See 3 a).

c) Finding: The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).
Discussion: See 3) a).

d) Finding: The project will not expose sensitive receptors to substantial pollutant concentrations.
Discussion: See 3) a). The project work areas are located 1,000 feet or more from residential areas. Work will occur in the summer when school is not in session and no hospitals are other services for potential sensitive people are located in the vicinity of the project area.

e) Finding: The project will not create objectionable odors affecting a substantial number of people.
Discussion: The project work will be completed in during summer and fall months over a two year period. While some equipment (backhoe, excavator, dump trucks) will be used, these activities will not create objectionable odors affecting a substantial number of people because the project will not create objectionable odors.

4. BIOLOGICAL RESOURCES.

a) Finding: The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
Discussion: Special status plant and animal species in the Humboldt Bay area and potential project long-term impacts on these resources include:

NAME	STATUS	LONG TERM PROJECT IMPACTS/BENEFITS
Coho Salmon – Southern Oregon / Northern California ESU *Oncorhynchus kisutch*	Federal Threatened (06/05/97) State Threatened (02/25/04)	Newly-created estuarine conditions in lower reaches of Jacoby Creek, resulting from levee removal and tide gate modification, will provide additional rearing habitat for the third largest Coho run of the Humboldt Bay streams; Enhanced instream and riparian habitat in all Project-area creeks will improve rearing habitat for Coho.
Chinook Salmon *O. tshawytscha*	Federal Threatened (11/15/99)	Restored and enhanced riparian habitat on Jacoby Creek and Gannon Slough and its tributaries, will improve rearing habitat for Chinook salmon.
Steelhead – Northern	Federal Threatened	Newly-created estuarine conditions in lower reaches of Jacoby Creek, resulting from levee removal, and tide gate modification

California ESU *Oncorhynchus mykiss*	(08/07/00)	will provide additional rearing habitat for Humboldt Bay's third largest salmonid tributary; Enhanced in-stream and riparian habitat in all Project-area creeks, which will improve rearing habitat for Steelhead.
Tidewater Goby *Eucyclogobius newberryi*	Federal Endangered (02/04/94) State - Special Concern (Class 1)	Restored potential habitat for Tidewater Goby in the lower reaches of Gannon Slough and along Jacoby Creek; Protect existing habitat for Tidewater Goby in Jacoby Creek.
Marbled Murrelet *Brachyramphus marmoratus*	Federal Threatened (09/30/92) State Endangered (03/12/92)	The project area and vicinity lack late seral-stage conifer forest, favored by Marbled Murrelet.
California Brown Pelican *Pelecanus occidentalis californicus*	Federal Endangered (10/13/70) State Endangered (06/27/71)	Maintain and increase forage species from restoring habitat conditions in the lower reaches of the streams and in the estuary.
American Peregrine Falcon *Falco peregrinus anatum*	Federal Threatened (Delisted 08/25/99) State Endangered (06/27/71)	Increased prey for local wintering and breeding Peregrines (which are common in the Project area), as a result of the Project habitat restoration efforts which maintain or increase populations of shorebirds and waterfowl.
Aleutian Cackling Goose *Branta canadensis leucopareia*	Federal Threatened (Delisted 03/20/01))	Provision of Spring foraging habitat to support continued recovery; Relief of pressure on commercially-important agricultural grazing lands.
Bald Eagle *Haliaeetus leucocephalus*	Federal Threatened (08/11/95). (Proposed Delist 07/06/99	Maintain and increase forage for wintering eagles brought about by restoring habitat conditions in the lower reaches of the streams and in the estuary.
Short-tailed albatross (*Phoebastris albatrus*)	Federal Endangered (08/30/00)	The project area lacks suitable habitat for short-tailed albatross and will not be impacted by the project.
Western yellow-billed cuckoo *Coccyzus americanus*	State Endangered (03/26/88)	The project area lacks suitable habitat for western yellow-billed cuckoo and will not be impacted by the project.
Northern spotted owl (*Strix occidentalis caurina*)	Federal Threatened (06/22/90)	The project area and vicinity lack late seral-stage conifer forest, favored by northern spotted owl – no impact
Northern Red-legged Frog *Rana aurora aurora*	State - Special Concern	Riparian restoration and enhancement on both Jacoby Creek and Gannon Slough and its tributaries could benefit this species.
Foothill Yellow-	State - Special Concern	Riparian restoration and enhancement on Jacoby Creek and

legged Frog *Rana boylii*		tributaries to Gannon Slough could benefit this species.
Coastal Cutthroat Trout *Oncorhynchus clarki clarki*	State - Special Concern (Class 2)	Enhanced instream and riparian habitat in all Project-area creeks, including Jacoby Creek and Gannon Slough and its tributaries, which will improve rearing habitat for Coastal Cutthroat Trout.
Western lily *Lilium occidentale*	Federal Endangered State Endangered	Western Lily was historically found in the Bayside area, prior to any work occurring in this area the City will confer with USFWS to minimize negative impacts to this species.
Humboldt bay owl's clover (*Castilleja ambigua ssp. humboldtiensis*)	California Native Plant Society - List 1B	The upland, agricultural wetland and freshwater wetland areas do not provide suitable habitat for Humboldt bay owl's clover. Estuarine enhancement due to tide gate modification could increase available habitat for this species
Point Reyes bird's beak *(Cordylanthus maritimus ssp. palustris)*	California Native Plant Society - List 1B	The upland, agricultural wetland and freshwater wetland areas do not provide suitable habitat for Point Reyes bird's beak. Estuarine enhancement due to tide gate modification could increase available habitat for this species
Lyngbye's sedge (*Carex lyngbyei*)	California Native Plant Society - List 2	The upland, agricultural wetland and freshwater wetland areas do not provide suitable habitat for Lyngbye's sedge. Estuarine enhancement due to tide gate modification could increase available habitat for this species.

Project restoration and enhancement activities may have a short-term effect on special status plant and animal species. The City will prevent or reduce impacts to the above amphibian, fish and aquatic special status species as well as other amphibians, fish, and aquatic species by performing wetland, estuarine and creek restoration/enhancement work during the dry season. In addition, tide gate removal/modification, will be undertaken in the dry season and only during low tide when the creek is in low flow condition and water is not present. The work is planned for the dry season and low tide when these species are not present and reproducing and eggs and larvae of aquatic species are not present. When work in or near the creek channels occurs, the City will install silt fences both upstream and down stream of the work sites and isolate the creek from the work areas. The timing of work during dry season also minimizes impacts to breeding birds that might be using the area and will occur after the Aleutian Canada geese have left the area. See Mitigation Measure 1 – Biological Mitigation Measures, listed below for more details.

No adverse effects are likely to occur to Humboldt bay owl's clover *(Castilleja ambigua ssp. humboldtiensis)* or Point Reyes bird's beak *(Cordylanthus maritimus ssp. palustris)* as they require a high salt marsh environment. Lyngbye's sedge *(Carex lyngbyei)* is found in tidally influenced sloughs. These plants are not present in the areas where work will be occurring, as these plants are not present in the agricultural wetlands where fill removal will occur or the riparian areas where levee removal and fencing and planting will occur. Tide gate modifications will occur with equipment staged on agricultural wetlands to prevent impacts to these species. As most of the area was historic tidelands there is a low probability that Western lily was ever present in this area. However to avoid and minimize disturbance of special status plant populations areas subject to disturbance during tide gate modification and wetland and riparian enhancement activities will be surveyed and avoided (see Mitigation Measure 1- a and 1- f).

Migrating adult coho salmon and steelhead enter coastal streams from October through February. Tide gate modifications will end prior to adult migration of anadromous salmonids. Construction will occur on the

falling tide and low tide to prevent impacts to juvenile salmonids or other fish that may be in the waterways in the vicinity of the work area during dry season. Placement of the new tide gate structure will occur in waters of the U.S./State, critical habitat/Essential Fish Habitat and thus also has the potential to adversely affect water quality without mitigation measures. Any project-induced adverse effects will be short-term, and with the proposed Mitigation Measures 1- a through 1- k listed below, less than significant.

The project is located on an actively grazed seasonal wetland (cattle pasture) between U.S. Highway 101 and Old Arcata Road, within and adjacent to two coastal creeks and a slough that all lack a riparian cover. The project area and vicinity lack late seral-stage conifer forest, favored by Marbled murrelet and Northern spotted owl. Since riparian cover is nonexistent the habitat is not suitable for western yellow-billed cuckoo. There are no known foraging or nesting sites of bald eagles on the project site, due to the absence of appropriate nesting habitat or concentrations of prey species. The area does not contain suitable structure for nesting Peregrines and no known nesting sites exist for Peregrine falcons in this area (5/2/06 communication with Karen Kovacs Supervising Biologist - CDFG). Because the project area lacks suitable habitat for Short-tailed albatross, Marbled murrelet, California brown pelican, Bald eagle, Northern spotted owl, or Western yellow-billed cuckoo, and suitable nesting habitat for Peregrine falcons, these species are not evaluated further. Migrating Aleutian cackling geese will not be impacted as they leave this area by mid to late April and return on their way south in late October.

Short term, temporary adverse effects from construction activities are likely to occur to agricultural wetlands and riparian areas where wetland pond construction and levee removal work will occur. Using access/staging areas by construction equipment (backhoe, excavator, 10 and 20 cubic yard truck, etc) may affect agricultural wetland habitats during summer/fall if these areas are saturated, via ground compaction and/or crushing vegetative cover. Wherever possible, sensitive areas will be avoided by heavy equipment. Any project induced adverse affects will be short-term, and with the proposed mitigation measures 1 - a, f, g, i, j, k less than significant.

Mitigation Measure 1 - Biological Mitigation Measures:

a) Construction activities will only occur between August 1st and October 31st to avoid or minimize adversely affecting fish, bird and plant species of concern and to minimize soil compaction and sediment transport.

b) To temporarily prevent fish species of concern gaining access to the vicinity of the tide gate replacement area the work will be done during the low tide when no water or fish are present.

c) No equipment will be operated directly within tidal waters or stream channels of flowing streams.

d) No construction materials, debris, or waste, shall be placed or stored where it may be allowed to enter into or be placed where it may be washed by rainfall into waters of the U.S./State.

e) If operations are not adequately containing sediment as determined by visual observation, the activity shall cease. Turbid water shall be contained and prevented from being transported by use of silt fences or water diversion structures to creeks or Humboldt Bay in amounts that are deleterious to fish or could violate state pollution laws.

f) Areas subject to disturbance during tide gate modification and wetland and riparian enhancement activities will be surveyed by a qualified biologist and any endangered plant populations (Western Lily)

encountered will be flagged before the commencement of any restoration work. Work crews will be trained to avoid endangered plants.

g) City staff shall be on site during final grading to assure that the area is recontoured as per approved design specifications.

h) Once fill removal is completed all exposed soil will be mulched and seeded with appropriate grass seed.

i) The riparian corridor will be fenced and planted with native trees and shrubs to increase the surface area of riparian woodland habitat.

j) Exclusionary cattle fencing will be installed to protect mulched and re-vegetated areas.

k) Refueling areas for equipment will occur only in upland areas. If equipment must be washed, washing will occur where wash water cannot flow into wetlands or waters of the U.S./State.

The project should provide long term benefits for many of the species listed in the table above as the estuarine and riparian enhancements are designed to improve habitat for these species. The long-term impacts of the project will improve habitat for aquatic and wetland dependent species by creating additional estuarine (45 acres) and riparian habitat (22.5 acres) and enhancing freshwater wetlands (14.5 acres) by providing for longer ponded periods on the agricultural wetlands.

b) Finding: The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Discussion: See 4)a)

c) Finding: The project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Discussion: See 4) a) above. No negative impacts to federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means will occur. The project will enhance these habitats.

d) Finding: The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Discussion: The project activities will not interfere with movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors because work in tidal areas will occur during low tide when no fish are present. Work to enhance riparian and stream habitats will not occur in the channel. Once completed, the tide gate modification will improve fish passage and fencing and riparian revegetation will expand and improve the Jacoby and Janes Creek riparian corridors.

e) Finding: The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Discussion: The project is consistent with the following 1985 General Plan policies : Water and Marine Resources Policy D- 1 "To protect riparian resources…(d) where opportunities arise the City shall require fencing along channels to prevent further bank erosion by livestock. Policy D-2 City shall seek funding to develop a comprehensive stream maintenance program for streams within its juridsdiction. The program shall provide for stream rehabilitation projects designed to improve flow

capacity, minimize channel erosion and enhance riparian habitat." Policy D-3 "City shall seek funding to provide for restoration of the following resources….. (g) Gannon Slough."

The project is also consistent with the policies of the City's General Plan 2020 Policy RC-2c – *Allowable Uses and Activities in streamside protection areas*; 1.h. – resource restoration projects, RC-2h – *Restoration of degraded creek resources*, and RC-3d – *Allowable uses and activities in wetland protection areas* – 1 - resource restoration or enhancement projects.

f) Finding: The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
Discussion: The project is consistent with the City's Creek Management Plan that calls for protection and restoration of the City's creek resources. The project is consistent with a number of federal and state plans including:

1) North American Waterfowl Management Plan (USFWS, updated 2004) - The North American Waterfowl Management Plan calls for protection, restoration and enhancement of wetlands and waterfowl habitat.

2) Pacific Coast Joint Venture Strategic Plan (USFWS, 1996) - The Pacific Coast Joint Venture Strategic Plan calls for the following actions in the Humboldt Bay Region, which are supported by the Arcata Baylands Project:

- Restore diked former tidelands where feasible and appropriate;
- Restore or enhance floodplain riparian forests;
- Support creation of wetlands for wildlife habitat and water quality management where feasible and appropriate; and
- Acquire additional wetland areas from willing sellers.

3) USFWS Coastal Program – Humboldt Bay North Coast Region Coastal Program (USFWS, 2005) - The USFWS Coastal Program lists Humboldt Bay as one of 18 high-priority coastal ecosystems in the United States. The Arcata Baylands Project will support or implement the following Coastal Program goals:

- Restore and protect coastal habitats through inter-agency projects; provide technical assistance in the restoration process; and provide cost-share where appropriate;
- Develop regional or estuary-wide partnership strategies to restore, enhance and protect coastal habitats;
- Use an ecosystem approach to restoration and enhancement of habitats;
- Promote natural self-sustaining populations of native species within their historic ranges.

4) CDFG Recovery Strategy for California Coho Salmon (Feb 2004) - Consistent with the goals of the CDFG Recovery Strategy for California Coho Salmon, the Arcata Baylands Project will create estuarine conditions in lower reaches of Jacoby Creek, Humboldt Bay's third largest salmonid tributary, will restore floodplain, and will enhance instream and riparian habitat in all Project-area creeks, thus improving rearing habitat.

5) The entire project site is located within the boundaries of the California Coastal Zone and is therefore subject to the requirements of the California Coastal Act of 1976 (California Public Resources Code Sections 30000 – 30900). *Section 3023*0. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

5. CULTURAL RESOURCES.

a) Finding: The project will not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.

Discussion: The project will not involve work that could impact a historical resource as defined in §15064.5. The proposed work is not in an area that contains historic resources as there are no structures in the project areas and the area is not listed in the *Arcata General Plan 2020 Table HP – Designated Historical Sites List*.

b) Finding: The project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

Discussion: The City requested a cultural resource assessment from the North Coast Information Center for the Jacoby Creek area during the land acquisition phase for the project under consideration. In October 2004 the City received the report – File #- Andre 04-01. The City had a report completed by Roscoe and Associates for the McDaniel Slough Project (April 2003). Based on these reports, the project could impact cultural resources. Due to the potential of discovering unknown cultural resources during construction, a cultural monitor will be on site when excavation work that could impact cultural resources is occurring. A standard mitigation measure/condition of approval has been included in the project requiring work to be halted and measures taken if cultural resources are found during project excavation for tide gate modification or pond construction. See Mitigation Measure No. 3. Other proposed work, fencing, levee removal and revegetation will not involve work that will impact an archaeological resource pursuant to §15064.5.

c) Finding: The project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Discussion: The project is not likely to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Dr. William Miller of Humboldt State University expects excavations in this area to be in Holocene marsh, fluvial and colluvial deposits, and probably would not go down to Pleistocene material. However, due to the potential of discovering unknown paleontological resources during construction, the City will include a mitigation measure/condition of approval requiring work to be halted and measures taken if the on site monitor suspects paleontological resources are found. See Mitigation Measure No. 3.

d) Finding: The project will not disturb any human remains, including those interred outside of formal cemeteries.

Discussion: There are no known human remains on the site as the majority of the site is former tidelands and has since been used for agricultural grazing operations. However, due to the potential of discovering unknown human remains during construction, a standard mitigation measure/condition of approval includes a monitor on site and requiring work to be halted and measures taken if human remains are found. See Mitigation Measure No. 3.

6. GEOLOGY AND SOILS.

a)i) Finding: The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based

on other substantial evidence of a known fault. Refer to Divisions of Mines and Geology Special Publication 42.

Discussion: The only structures that will be constructed or affected by the project work are the levees and the tide gates. Existing tide gates will be modified which will result in an upgrade of these structures and should reduce the potential for loss, injury, or death involving strong seismic ground shaking. The levees, which otherwise might be affected by ground movement, will be removed.

a)ii) Finding: The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.
Discussion: See 6)a)i)

a)iii) Finding: The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.
Discussion: The project site is susceptible to strong seismic ground shaking common to the north coast region of California. It is located in an area of high liquefaction. The project does not involve new buildings. The tide gate modifications, pond excavation, levee removal , fencing and riparian planting will not expose people or structures to substantial adverse effects. See 6)a)i)

a)iv) Finding: The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.
Discussion: See 6)a)i & iii

b) Finding: The project will not result in substantial soil erosion or the loss of topsoil.
Discussion: The levee removal and pond excavation work will remove vegetation as the area is graded. Once final contouring is completed, the work areas will be seeded and mulched to prevent erosion. The City will also plant native trees to improve riparian habitat and protect bank stability. Any exposed ground will be reseeded and mulched to prevent erosion. The project design will incorporate the following measures to mitigate impacts due to construction related soil erosion:

- Construction work would occur during the dry season from August 1 through October 31 to prevent ground disturbance during rainstorms.
- In the event of unseasonable rainfall, construction would not occur during periods when any surface runoff occurs on exposed soil due to rainfall.
- All exposed soil that could erode to a channel leading to Janes or Jacoby Creek would be mulched with weed-free straw mulch.
- All vehicles and construction equipment shall be parked, and equipment refueling and maintenance shall take place only in designated areas where potential spills of fuel, lubricants, or coolants can be contained and cleaned up without impacts to aquatic habitats. See Mitigation Measure 4.

c) Finding: The project will not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
Discussion: The project area is located in an area of high liquefaction. The enhancement and restoration work will not change the existing stability of the site.

d) Finding: The project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.
Discussion: The project does not include development of any new structures (See 6)a)i) and will not create substantial risks to life or property.

e) Finding: The project will not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.
Discussion: The project does not involve septic systems.

7. HAZARDS AND HAZARDOUS MATERIALS.

a) Finding: The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Discussion: The project will involve use of vehicles but it does not involve the transport, use or disposal of hazardous materials. All vehicles and construction equipment shall be parked, and equipment refueling and maintenance shall take place only in designated areas where potential spills of fuel, lubricants, or coolants can be contained and cleaned up without impacts to aquatic habitats. No herbicides will be used as part of the project activities. This site is former tidelands that were converted to agricultural use and no contaminated soils are known to be present in this area.

b) Finding: The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
Discussion: See 7)a

c) Finding: The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
Discussion: See 7)a

d) Finding: The project will not be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment.
Discussion: The project is not located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, will not create a significant hazard to the public or the environment.

e) Finding: The project will not, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.
Discussion: The project is not located within an airport land use plan or within two miles of a public airport.

f) Finding: The project will not, for a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.
Discussion: The project is not located within the vicinity of a private airstrip.

g) Finding: The project will not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan.
Discussion: The project will enhance/restore natural features of the surrounding area and will not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan.

h) Finding: The project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands.
Discussion: The project involves restoration and enhancement of wetland, creek, estuarine and riparian resources and does not include development of any new structures that could expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands.

8. HYDROLOGY AND WATER QUALITY.

a) Finding: The project will not violate any water quality standards or waste discharge requirements.
Discussion: The Water Quality Control Plan, North Coast Region Basin Plan, which was adopted by the California Regional Water Quality Control Board, North Coast Region, establishes a number of policies regarding discharges of wastewater and includes water quality objectives for the Arcata Plain Hydrologic Unit. The Basin Plan also includes a 'Water Quality Control Plan for the Enclosed Bays and Estuaries of California', and a specific 'Action Plan for Humboldt Bay' (Water Quality Control Plan for the North Coast, 1996). The Action Plan for Humboldt Bay requires surveillance and monitoring, review and assessment of land use activities, and Regional Board coordination with other state and local agencies with regard to protecting water quality in Humboldt Bay. In order to assure protection of waters in the Arcata Plain Hydrologic Unit and Humboldt Bay,

the Regional Board closely monitors construction and industrial activities that could potentially impact water quality.

The City of Arcata General Plan, adopted in 1985, and its Land Use and Development Guide adopted in 1994 set the land use and development standards for the proposed project. An impact is considered to be significant if it is determined that the project may:

1. Result in a net increase in stormwater runoff;
2. Result in stormwater discharges that contain significant quantities of pollutants or endanger aquatic habitats;
3. Result in discharges that cause groundwater pollution or interferes with groundwater recharge; or
4. Result in discharges to the City of Arcata sanitary sewer systems that cause or contribute to exceeding the waste discharge requirements for the City of Arcata wastewater treatment plant.

More specifically the City of Arcata's Land Use Development Guide (LUDG) states that stormwater run-off shall be managed using best available management practices so that development would not adversely affect water quality or habitat values in the creek zone, and so that development will not adversely affect wetland functions. LUDG also requires that the flood carrying capacity of watercourses be maintained within any development. LUDG requires that encroachments, including fill, new construction, substantial improvements, and other development be certified by a registered professional engineer or architect to demonstrate that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Project pond excavation and levee removal work will be done when the site is driest – late summer to minimize compaction and reduce damage to vegetation. Construction related impacts of the project include the movement of soil material by heavy equipment and exposing soil to potential rain drop impact and sheet erosion during construction. Construction equipment could include bulldozers, excavators, loaders, scrapers, and transport vehicles. Heavy equipment will operate outside of stream channels and open water wetlands. Revegetation of riparian areas and bare soil resulting from excavation work will occur in December 2006 and January 2007 and December 2007 and January 2008. Sediment controls will be in place for any work that occurs in or near the creeks to insure that the project will not violate any water quality standards or waste discharge requirements. Eliminating grazing animals from close proximately to Janes and Jacoby Creek will reduce the amount of pollution from livestock such as fecal coliform from entering receiving waters.

Tide gate modification is anticipated to take three days. On day one the culverts and tidegate will be assembled in an adjacent area, required backfill and riprap will be staged and pre-digging, to excavate and remove all material and pipe that can be removed without breaching, will be completed. On day two following the falling tide a full excavation of the old structure will occur. The bed for the new assembly will be prepped and the assembly will be installed at slack low tide. Riprap & backfill ahead of rising tide will be completed to a level at least high enough for the coming high tide. The final day includes finishing the grade and surface, loading and out hauling any material that has been rejected for reuse, out hauling old assemblies and seeding and bedding with straw. The operation is done with no coffer dams or isolation by simply working with the tide. The entire tidegate assembly will be installed as one piece so the headwall is integral with the unit (see attached pictures and diagrams).

Fill removed from the project areas (approximately 98,000 yd^3) will be used to build levees on adjacent permitted lands where a salt marsh restoration project will be occurring. Soil could also be used to improve the Reclamation District levees (permitted) and hauled to the City's permitted rock quarry to be used as topsoil for mine reclamation. The City will prevent negative impacts to water quality by undertaking this work in the summer or early fall when the site is driest. Revegetation of riparian areas and bare soil resulting from excavation work will occur in December 2006 and January 2007 and December 2007 and January 2008. Sediment controls

will be in place for any work that occurs in or near the creeks to insure that the project will not violate any water quality standards or waste discharge requirements.

The City will require a grading permit, and it will adhere to the City's Water Quality Ordinance No. 1319 and Grading Ordinance No. 1355. See Mitigation Measure 4.

b) Finding: The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).
Discussion: The project will not impact ground water supplies.

c) Finding: The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
Discussion: The project will remove levees along Jacoby Creek and modify tide gates to allow for tidal exchange on former tidelands. These activities will alter the existing drainage pattern of the site or area. These altered drainage conditions should improve stormwater through flow to the Bay by reducing the head needed to open tides gates during low tides. The project includes erosion controls to prevent substantial erosion or siltation on or off site. The controls include work during the dry season, use of silt fences if instream work occurs, mulching and seeding exposed soil once work is completed and revegetation with native trees and shrubs. Pond excavation will result in longer periods of inundation for these areas. Fencing and riparian planting will not alter drainage patterns or contribute to erosion or sediment transport on or off site. Also see 8 a).

d) Finding: The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.
Discussion: See 8 a & c). The project will not increase the amount or rate of surface runoff.

e) Finding: The project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
Discussion: See 8 a & c). The project will not create or contribute runoff water.

f) Finding: The project will not otherwise substantially degrade water quality.
Discussion: See Discussion 4 a) and 8 a)

g) Finding: The project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map.
Discussion: This project does not involve the construction of any housing.

h) Finding: The project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows.
Discussion: This project will modify existing tide gates that are located in the mapped 100 year FEMA flood plain. The modified gates require lower head to open which will improve drainage during high flows and low tides and allow for fish access to upstream areas. Levee removal along Jacoby Creek will also allow the creek to access portions of its former floodplain. Both these activities should lessen flood impacts in upstream areas. The pond excavation work, fencing and riparian planting will not impact flooding.

i) Finding: The project will not expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
Discussion: This project does not involve the construction or relocation of any structures that would expose people or buildings to a significant loss, injury or death involving flooding as a result of the failure of a levee or dam.

j) Finding: The project will not result in inundation by seiche, tsunami, or mudflow.

Discussion: The project site is located in a mapped 100 year FEMA floodplain. Due to the known seismic activity in the Pacific Rim, a tsunami could impact Humboldt Bay. The last known tsunami to occur in Humboldt Bay was in 1964 as a result of the Gulf of Alaska earthquake. It had a recorded maximum height of twelve feet on the inside of the north spit, with lower heights occurring along the Eureka waterfront area. It is expected that the impact of a tsunami on Humboldt Bay would primarily occur along the north and south spits and the King Salmon and Fields Landing areas, which are located directly across from the opening to Humboldt Bay, at an elevation approximately twenty feet above sea level. Due to the project's distance from the opening of Humboldt Bay, there is no expectation that significant impacts from a tsunami would occur. The project site is not in an area of potential inundation by a tsunami as mapped by California Department of Mines and Geology. However the Humboldt State University Tsunami Hazard Map shows the bay edge as having a high potential for tsunami. A seiche in the bay would have less run-up potential than a tsunami. While the area could be inundated, the project will not alter the area's potential for inundation by seiche, tsunami or mudflow.

9. LAND USE AND PLANNING.

a) Finding: The project will not physically divide an established community.
Discussion: The project will occur on City owned lands and will not divide an established community.

b) Finding: The project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Discussion: This project does not conflict with land use policies, plans or regulations. The parcels will remain zoned as described and the Stream Protection (SPA) and Wetland Protection Areas (WPA) will be maintained and enhanced; the project meets all of WPA requirements. The project is consistent with the following 1985 General Plan policies : Water and Marine Resources Policy D- 1 "To protect riparian resources…(d) where opportunities arise the City shall require fencing along channels to prevent further bank erosion by livestock. Policy D-2 City shall seek funding to develop a comprehensive stream maintenance program for streams within its juridsdiction. The program shall provide for stream rehabilitation projects designed to improve flow capacity, minimize channel erosion and enhance riparian habitat." Policy D-3 "City shall seek funding to provide for restoration of the following resources….. (g) Gannon Slough."

The project is consistent with the policies of the City's Land Use and Development Guide and the Arcata General Plan: 2020. Chapter 4 of the General Plan, Environmental Quality and Management is designed to protect the environment and natural resources. This project protects and enhances wetlands, estuarine resources, creek and riparian resources.

The entire project site is located within the boundaries of the California Coastal Zone and is therefore subject to the requirements of the California Coastal Act of 1976 (California Public Resources Code Sections 30000 – 30900). *Section 3023*0. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

*Section 3023*1. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

c) Finding: The project will not conflict with any applicable habitat conservation plan or natural community conservation plan.
Discussion: See Finding 4. f)

10. MINERAL RESOURCES.

a) Finding: The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
Discussion: The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state since the project involves tide gate modification for estuarine enhancement/restoration, pond excavation, levee removal and fencing and planting riparian areas, and will not impact mineral resources.

b) Finding: The project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.
Discussion: There are no known locally-important mineral resources on the site. The City of Arcata General Plan has not included this site or any other nearby location as being designated a locally important mineral resource or recovery site (General Plan Policy RC-9c). The Division of Mines and Geology has noted that the 'Classification and Designation of Mineral Lands' per SMARA (Surface Mining and Reclamation Act) Section 2790 'Minerals of Regional Significance' and associated mapping has not occurred for Humboldt County and other than instream gravel resources and rock quarries, have not identified any mineral resources needing protection from incompatible land uses. The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Based on the project description and its location, the proposed project will not result in any mineral resource-related significant impacts.

11. NOISE.

a) Finding: The project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
Discussion: The noise generated by this project will be noise from the excavator, backhoe, trucks and other equipment that is used and it should not generate noise levels in excess of the standards. The primary sources of noise at these sites are traffic on Highway 101, Samoa Boulevard and Old Arcata Road. The Arcata General Plan Noise Contour Map (Figure N-b) shows noise levels of 65 adjacent to Highway 101 and 55 and fewer decibels in the rest of the project area. Construction activities may exceed the standards of Table N-1. However the noise will be temporary and hours have been limited to minimize impacts. To mitigate impacts, hours of operation of heavy equipment shall be limited to the hours of 8:00 a.m. to 5:00 p.m. weekdays.

b) Finding: The project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels.
Discussion: The General Plan and LUDG does not allow uses that generate long-term excessive groundborne vibration or groundborne noise levels. Some short-term minor vibrations may occur during excavation and construction periods but will be minimized by the same measure that limits hours of construction for noise. Otherwise the proposed project is not of the type that generates excessive groundborne vibrations.

c) Finding: The project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
Discussion: see 11 a)

d) Finding: The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
Discussion: The project will result in a temporary increase in ambient noise levels. The hours of operation of heavy equipment shall be limited to the hours of 8:00 a.m. to 5:00 p.m. weekdays to mitigate the impacts to less than significant.

e) Finding: The project will not, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.
Discussion: The project is not located within an airport land use plan area.

f) Finding: The project will not, for a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels.
Discussion: The project is not within the vicinity of a private airstrip.

12. POPULATION AND HOUSING.

a) Finding: The project will not induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure).
Discussion: The project will not have any impact on population growth.

b) Finding: The project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
Discussion: The project will not impact housing.

c) Finding: The project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.
Discussion: The project will not displace people.

13. PUBLIC SERVICES.

a) Finding: The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for fire protection.
Discussion: The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities since the project is a habitat restoration/enhancement project.

b) Finding: The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for police protection.
Discussion: See 13 a)

c) Finding: The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services schools.
Discussion: See 13 a)

d) Finding: The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for parks.
Discussion: See 13 a)

e) Finding: The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for other public facilities.
Discussion: See 13 a)

14. RECREATION.

a) Finding: The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
Discussion: The project will not increase the use of existing neighborhood and regional parks or other recreational facilities since the project involves habitat restoration/enhancement work only.

b) Finding: The project will not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.
Discussion: The project does not impact recreational facilities.

15. TRANSPORTATION/TRAFFIC.

a) Finding: The project will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections).
Discussion: The project will not cause a long term increase in vehicle trips. The 9 acres of ponds excavated in the Jacoby Creek area will generate 30,000 yd ^{3} of fill and approximately 500 truck trips. The Jacoby Creek levee removal will generate 4000 yd ^{3} of fill and 200 truck trips. Over a two month period this will increase traffic by 42 trips per day on Old Arcata Road and Samoa Boulevard. Level of Service(LOS) information is not available for Old Arcata Road. The LOS for Samoa Boulevard intersections is rated A. The 5.5 acre pond excavation in the McDaniel Slough Area (64,000 yd ^{3}) will include use of 20 yard dump trucks to haul fill to the adjacent site where levee construction is occurring and will not result in an increase in traffic. All fill will be hauled to approved fill sites. These trucks will use designated truck routes to haul the material to either the Bay front levee operated and maintained by the Reclamation District (Old Arcata Road to Samoa Blvd to V Street), the Daniel Slough Levee construction area located adjacent to the 5.5 acre pond being excavated in the Janes Creek project area, (no on road trips required), the City of Arcata rock quarry (Old Arcata Road to Jacoby Creek Road), or Kernan Construction (Old Arcata Road to Bayside Cutoff or Samoa Blvd. to Highway 101). The project will not cause a significant long term increase in traffic.

b) Finding: The project will not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.
Discussion: See 15 a)

c) Finding: The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
Discussion: The project does not involve any air traffic or sites that experience air traffic.

d) Finding: The project will not substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
Discussion: The project involves habitat restoration/enhancement work and will not increase hazards due to design or incompatible uses.

e) Finding: The project will not result in inadequate emergency access.
Discussion: See 15 a)

f) Finding: The project will not result in inadequate parking capacity.
Discussion: The project will not impact use of existing parking areas or the need for more parking. See 15 a)

g) Finding: The project will not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).
Discussion: The project will not conflict with adopted policies, plans, or programs supporting alternative transportation since it only involves habitat restoration/enhancement.

16. UTILITIES AND SERVICE SYSTEMS.

a) Finding: The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
Discussion: The project will not impact wastewater treatment requirements.

b) Finding: The project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
Discussion: The project will not impact wastewater or water service levels.

c) Finding: The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
Discussion: The project's tide gate modifications should improve flood flow to Humboldt Bay during high flows and low tides. The levee removal on Jacoby Creek will allow the creek to access its historic flood plain. Both actions should help lessen the load on upstream storm water drainage ways and will not require new ones.

d) Finding: The project will not have insufficient water supplies available to serve the project from existing entitlements and resources (i.e., new or expanded entitlements are needed).
Discussion: The project does not require a water supply.

e) Finding: The project will not result in a determination by the wastewater treatment provide which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
Discussion: The project will not impact wastewater treatment capacity.

f) Finding: The project will not be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs.
Discussion: Fill removed from the project area will be placed at approved fill sites. See 15) a). A location map for fill sites is attached.

g) Finding: The project will not violate any federal, state, and local statutes and regulations related to solid waste.
Discussion: Fill removed from the site will be placed at approved sites.

17. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Finding: The project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
Discussion: The project is a restoration/habitat improvement project designed to benefit both riparian and aquatic habitat and movement of high flows on Jacoby and Janes Creek and therefore will benefit fish and wildlife by improving riparian and aquatic habitat. Mitigation to prevent short-term negative impacts to water quality, aquatic organisms, and water associated wildlife includes limiting work to the dry season and during low water flow, use of measures to avoid siltation, and revegetation and mulching to prevent soil erosion.

b) Finding: The project will not have impacts that are individually limited, but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).
Discussion: The project is designed to benefit both riparian and aquatic habitat and movement of high flows on Jacoby and Janes Creek and therefore should not have any negative cumulative impacts. The work is scheduled during the dry season to reduce impacts to aquatic species and water associated wildife to a less than significant level and silt fences will be used to reduce impacts further. Silt fences and other erosion control BMP's will be used to reduce any potential impacts.

c) Finding: The project will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.
Discussion: The habitat restoration/enhancement work should maintain or improve the aesthetics of the area and should not have any adverse impacts on human beings. Aesthetics will be improved by planting native trees and shrubs. Public access to natural areas will allow for wildlife viewing.

18. EARLIER ANALYSES

a) Earlier Analyses Used. The following document(s), available at the Community Development Department, have adequately analyzed one or more effects of the project. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (CEQA Guidelines Section 15063 (c)(3)(D)).

b) Impacts Adequately Addressed. The following effects from the above checklist were within the scope of and adequately analyzed in the document(s) listed above, pursuant to applicable legal standards.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Incorporated," the following are mitigation measures which were incorporated or refined from the document(s) described above.

MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM

Mitigation Measure No. 1 Biological Resources:

The City will prevent and reduce impacts to amphibians, fish, and aquatic species by performing wetland, estuarine and creek restoration/enhancement work during the dry season. Tide gate modification/removal, shall also be restricted to low tide when the creeks are in low flow conditions and water is not present. The work is planned for the dry season and low tide when these species are not present and not reproducing. Eggs and larvae of aquatic species will not be present when work is being performed. When work in or near the creek channels occurs, the City will install silt fences both upstream and down stream of the work sites and isolate the creek from the work areas. This timing also minimizes impacts to breeding birds that might be using the area and will occur after the Aleutian Canada geese have left the area.

Mitigation Measures:

a) Construction activities will only occur between August 1st and October 31st to avoid or minimize adversely affecting fish, bird and plant species of concern and to minimize soil compaction and sediment transport.

b) To temporarily prevent fish species of concern gaining access to the vicinity of the tide gate replacement area the work will be done during the low tide when no water or fish are present.

c) No equipment will be operated directly within tidal waters or stream channels of flowing streams.

d) No construction materials, debris, or waste, shall be placed or stored where it may be allowed to enter into or be placed where it may be washed by rainfall into waters of the U.S./State.

e) If operations are not adequately containing sediment, the activity shall cease. Turbid water shall be contained and prevented from being transported to creeks or Humboldt Bay in amounts that are deleterious to fish or could violate state pollution laws.

f) Areas subject to disturbance during tide gate modification and wetland and riparian enhancement activities will be surveyed by a qualified biologist and any endangered plant populations (Western Lily) encountered will be flagged before the commencement of any restoration work. Work crews will be trained to avoid endangered plants.

g) City staff shall be on site during final grading to assure that the area is recontoured as per approved design specifications.

h) Once fill removal is completed all exposed soil will be mulched and seeded with appropriate grass seed.

i) The riparian corridor will be fenced and planted with native trees and shrubs to increase the surface area of riparian woodland habitat.

j) Exclusionary cattle fencing will be installed to protect mulched and re-vegetated areas.

k) Refueling areas for equipment will occur only in upland areas. If equipment must be washed, washing will occur where wash water cannot flow into wetlands or waters of the U.S./State.

Timing for Implementation/Compliance: August 1- October 31, to be extended to November 15 as long as no significant rain (as determined by the California Department of Fish and Game) occurs between October 31 and November 15.
Person/Agency Responsible for Monitoring: City Environmental Services Staff.
Monitoring Frequency: Ongoing during construction
Evidence of Compliance: Site inspections

Mitigation Measure No 2 – Air Quality:

All active construction areas shall be watered to keep soil moist and prevent formation of wind-blown dust. All unpaved access roads, parking areas, and construction staging areas shall be paved, watered, or treated with non-toxic soil stabilizers as needed to prevent dust problems.

All paved access roads, parking areas, and construction staging areas shall be cleaned daily with water sweepers during construction. If visible soil is carried out onto adjacent streets, the area shall be washed with water or by a water sweeper truck. Hydroseeding or non-toxic soil stabilizers shall be applied to inactive construction areas (previously graded areas inactive for ten days or more). Exposed stockpiles of dirt, sand, and similar materials shall be enclosed, covered, watered daily, or treated with non-toxic soil binders. Traffic speeds on unpaved roads shall be limited to 10 miles per hour. Sandbags, hay bales, or other erosion control measures shall be installed to prevent silt runoff to public roadways. Vegetation in disturbed areas shall be replanted within 30 days after project completion. Outdoor dust-producing activities shall be suspended when high winds create visible dust plumes in spite of control measures.

Timing for Implementation/Compliance: During construction activities.
Person/Agency Responsible for Monitoring: City Building Official.
Monitoring Frequency: During construction.
Evidence of Compliance: City Building Official to consider during site inspections or in response to complaints. City Building Official to notify NCUAQMD if fugitive dust is a problem.

Mitigation Measure No 3 – Cultural Resources:

A qualified monitor will be on-site during excavation activities. Should any paleontological, archaeological, historical or unique ethnic or sacred resources be encountered during construction or grading operations, all ground-disturbing work shall be temporarily halted on site. Work on site shall not be resumed until a qualified archeologist has evaluated the materials and offered recommendations for further action. Prehistoric materials which could be encountered include: obsidian or chert flakes or tools, locally darkened midden, groundstone artifacts, depositions of shell, dietary bone, and human burials. Should human remains be uncovered, State law requires that the County Coroner be contacted immediately. Should the Coroner determine that the remains are likely those of a Native American, the California Native Heritage Commission must be contacted. The Heritage Commission consults with the most likely Native American descendants to determine the appropriate treatment of the remains.

Timing for Implementation/Compliance: Respond if observed by on site monitor. City staff in conjunction with on site monitor to determine where and when work can resume.
Person/Agency Responsible for Monitoring: Contractors, City Environmental Services Staff, Building Official.
Monitoring Frequency: Ongoing during construction
Evidence of Compliance: Site inspections.

Mitigation Measure No. 4

- Construction work would occur during the dry season from August 1 through October 31 to prevent ground disturbance during rainstorms.
- In the event of unseasonable rainfall, construction would not occur during periods when any surface runoff occurs on exposed soil due to rainfall.
- All exposed soil that could erode to a channel leading to Janes or Jacoby Creek will be mulched with weed-free straw mulch.
- All vehicles and construction equipment shall be parked, and equipment refueling and maintenance shall take place only in designated areas where potential spills of fuel, lubricants, or coolants can be contained and cleaned up without impacts to aquatic habitats.

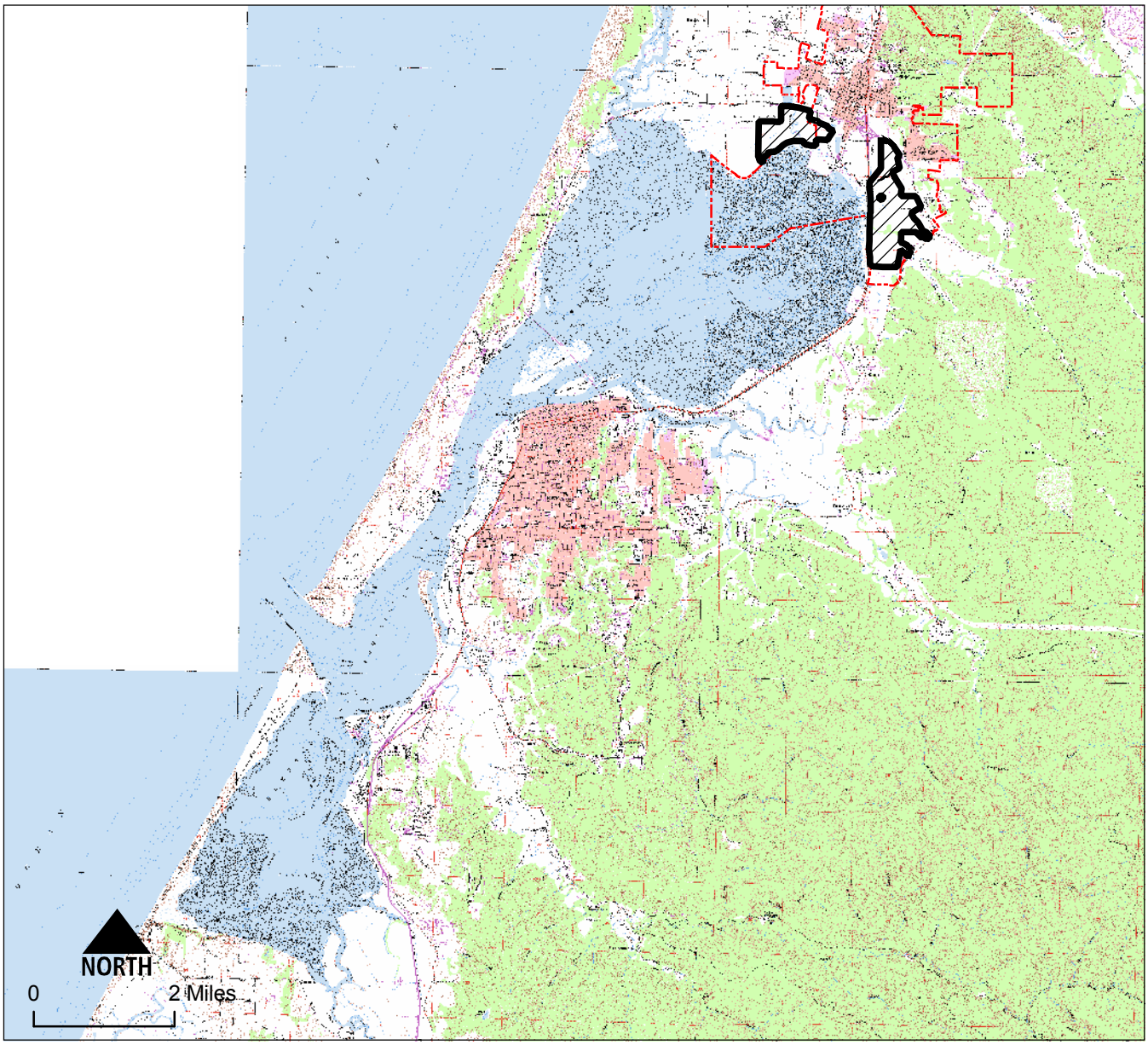
Timing for Implementation/Compliance: Respond if observed during site inspections or in response to notification from contractor or passerby. City Building Official to determine where and when work can resume.
Person/Agency Responsible for Monitoring: Contractors, City Environmental Services Staff, Building Official.
Monitoring Frequency: Ongoing during construction
Evidence of Compliance: Site inspections.

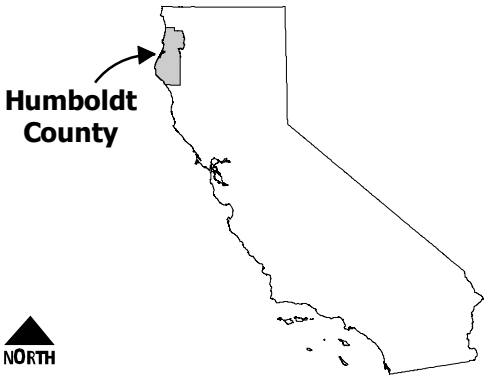
Mitigation Measure No. 5: *Hours Of Construction (Compliance With Chapter 4.6 Of The City Of Arcata Noise Element*. [Mitigation Measure] Construction activity shall be limited to the hours of 8:00 a.m. to 5:00 p.m. on weekdays. Heavy equipment shall not be operated on weekends and holidays.

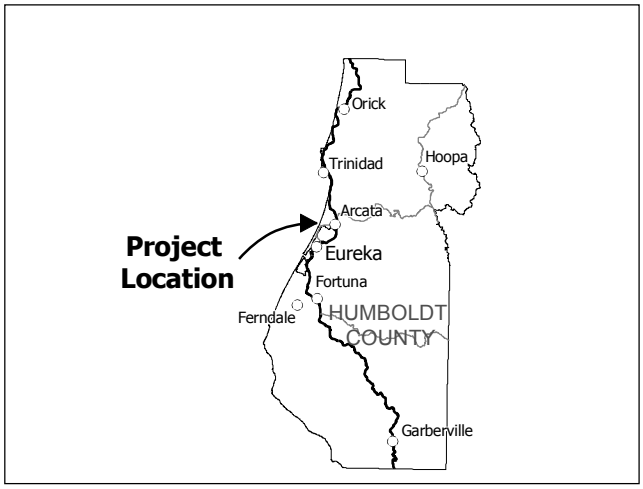
Person/Agency Responsible for Monitoring: Environmental Services staff or City Building Official
Monitoring Frequency: Ongoing during construction and in response to complaints
Evidence of Compliance: Site inspections

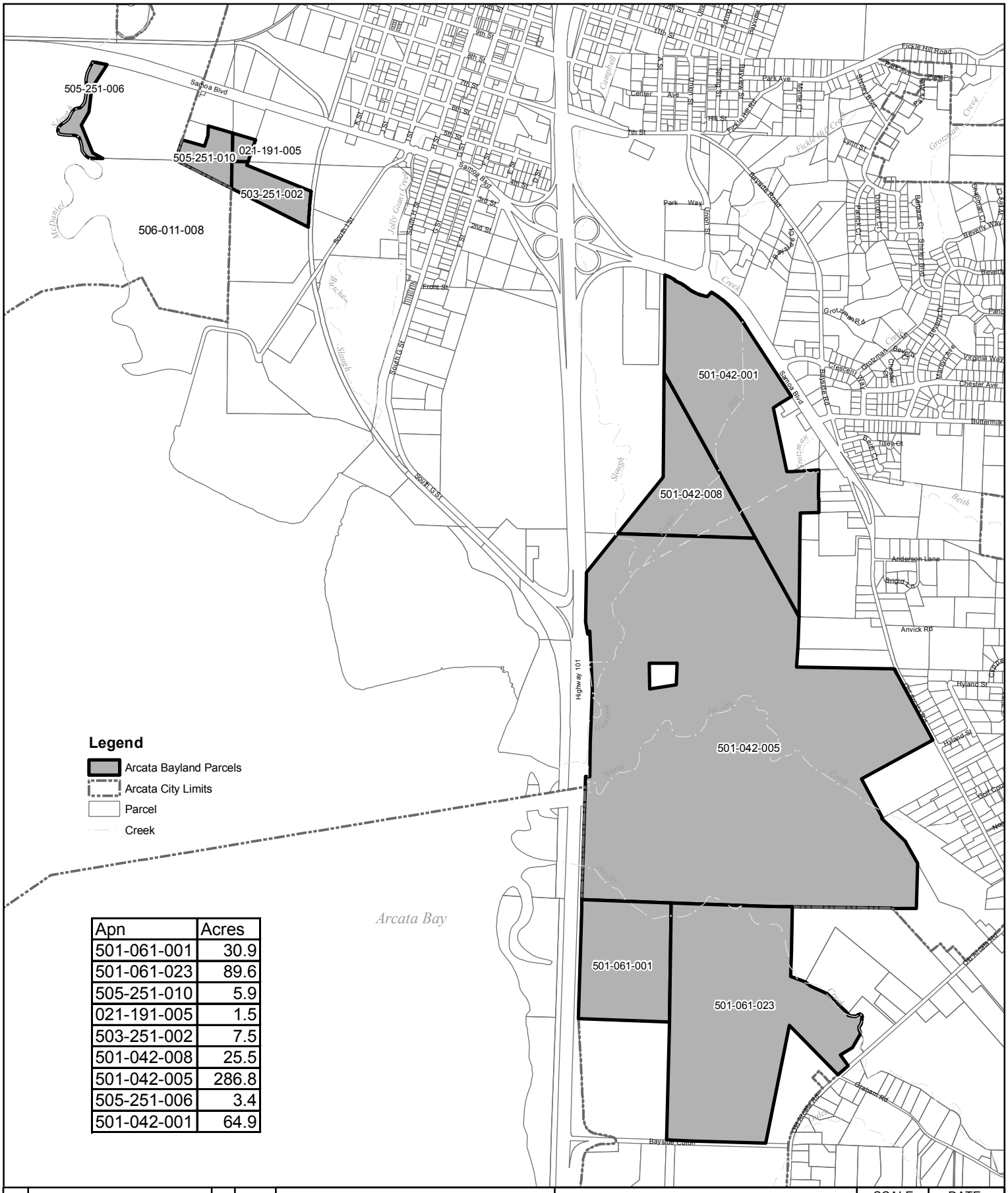
19. SOURCE/REFERENCE LIST: The following documents were used in the preparation of this Initial Study. The documents are available for review at the Community Development Department, City Hall, during regular business hours.

1) Arcata Land Use and Development Guide
2) Arcata General Plan 2020 and Local Coastal Plan, as applicable
3) Arcata Creeks Management Plan
4) McLaughlin, James and Frank Harradine, November 1965, *Soils of Western Humboldt County California,* University of California, Davis
5) US Fish and Wildlife Service Threatened and Endangered Species System (TESS) http://ecos.fws.gov/tess_public/TESSSpeciesReport
6) Nature Serve Explorer DataBase – www.natureserve.org/explorer
7) Karen Kovacs, California Department of Fish and Game Supervising Biologist
8) Draft EIR McDaniel Slough Wetland Enhancement Project (Including Wetland Delineation Reports)
9) California Department of Fish and Game Natural Diversity Data Base- Special Animals - February 2006.
10) Non-Industrial Timber Management Plan 1-033-NTMP HUM
11) E- mail correspondence with Dr. William Miller III – Humboldt State University Professor of Paleontology
12) Application Submittal Materials


NORTH
0
2 Miles


Humboldt
County
NORTH


Project
Location
Orick
Trinidad
Hoopa
Arcata
Eureka
Fortuna
Ferndale
HUMBOLDT
COUNTY
Garberville



Apn	Acres
501-061-001	30.9
501-061-023	89.6
505-251-010	5.9
021-191-005	1.5
503-251-002	7.5
501-042-008	25.5
501-042-005	286.8
505-251-006	3.4
501-042-001	64.9

NO.	REVISION	BY	DATE

CITY OF ARCATA
Environmental Services Department

DESIGNED BY
DRAWN BY
CHECKED BY
EXPIRES

Arcata Baylands Parcels

SCALE 1:17,000 | DATE 3/29/2006
JOB NO.
SHEET
OF

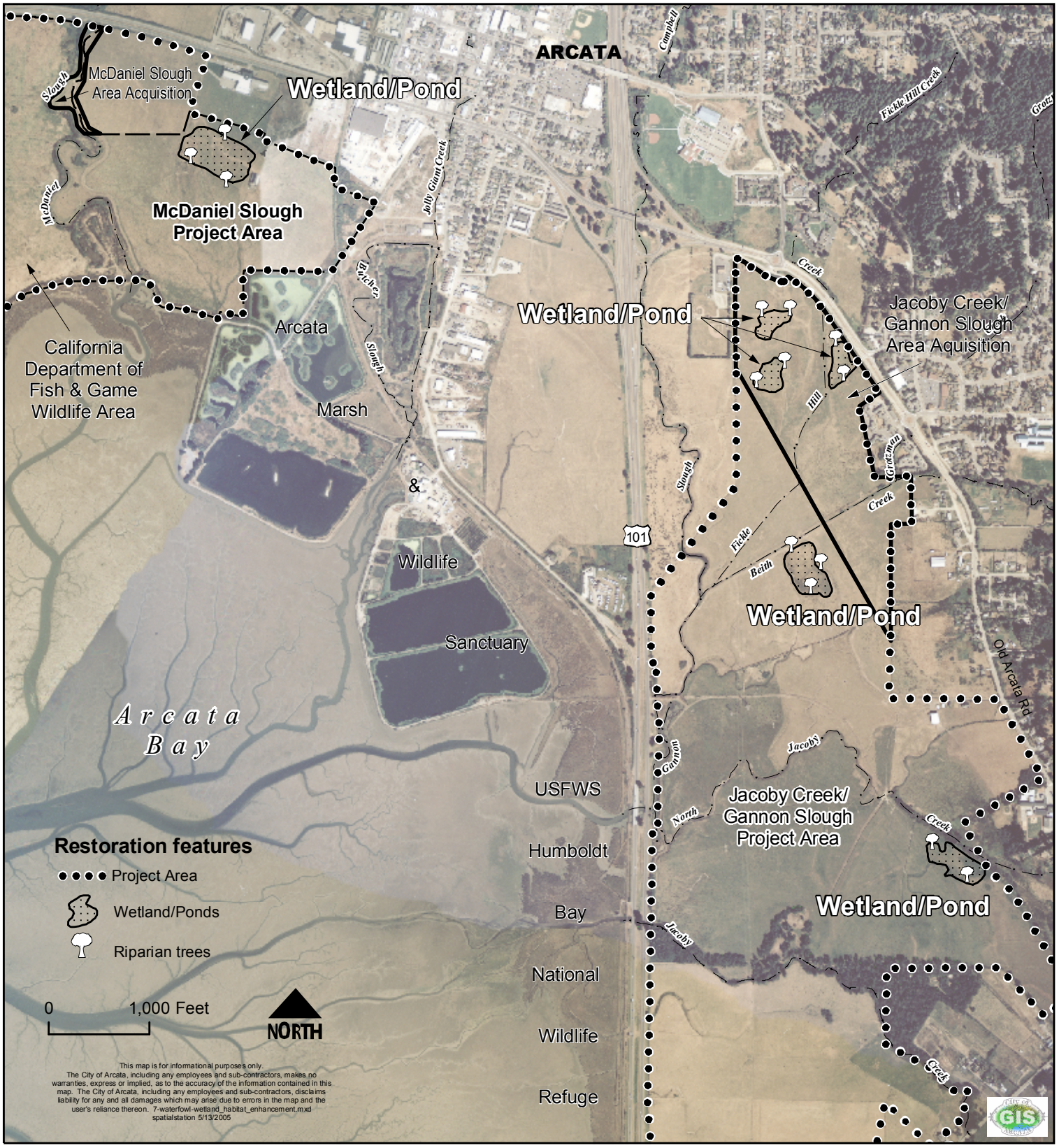
Figure 7

City of Arcata

Arcata Baylands Enhancement Program

Waterfowl/Wetland Habitat Enhancement

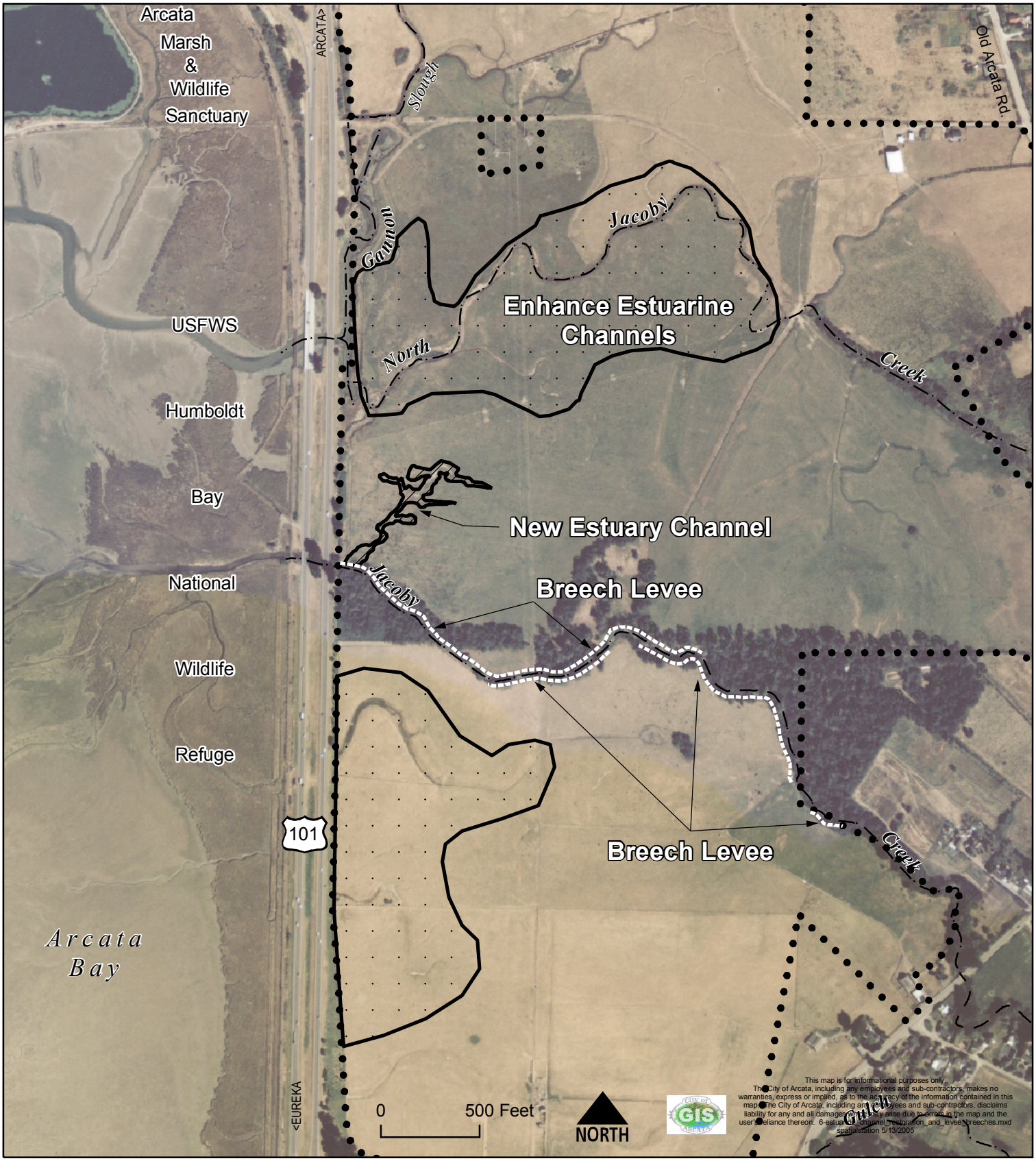
U.S.G.S 7.5 Minute Topographic Quadrangle: Arcata South
Section 31, 32, & 33 of T.6.N., R.1.E., & Section 4 of T.5.N., R.1.E. of H.B & M



Jacoby Creek/Gannon Slough Area Enhancement

Estuarine Channel Restoration & Jacoby Creek Levee Breeches

U.S.G.S 7.5 Minute Topographic Quadrangle: Arcata South
Section 4 of T.5.N., R.1.E. of H.B & M



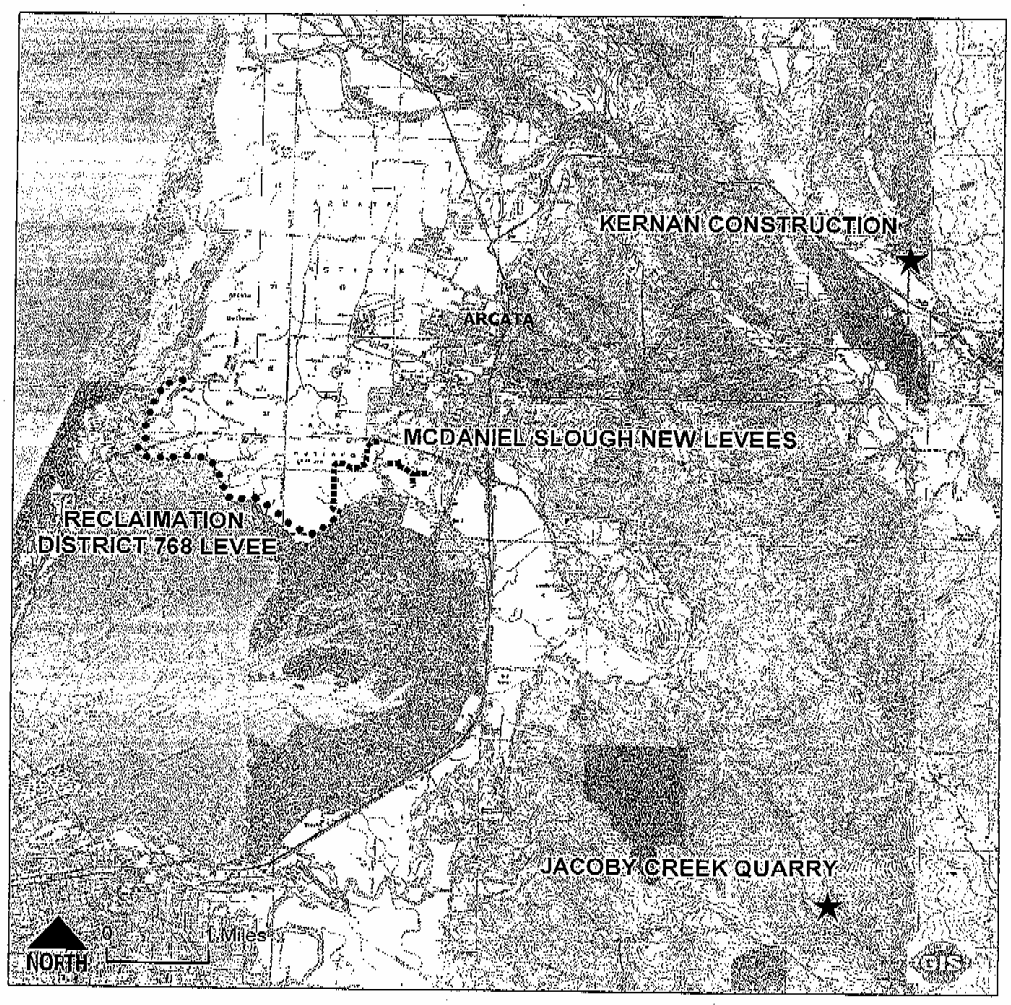
City of Arcata

ARCATA BAYLANDS ENHANCEMENT PROGRAM

Jacoby Creek/Gannon Slough Area Enhancements

Fill Location Map

U.S.G.S 7.5 Minute Topographic Quadrangle: Arcata South
Section 31, 32, & 33 of T.6.N., R.1.E., & Section 4 of T.5.N., R.1.E. of H.B & M



Public Trust Lands (Former Tidelands)

Pacific Ocean

Mad River

Arcata Bay

101

299

255

Legend

- Public Trust Lands*
- Restoration Site
- PLSS
- City Limits
- Planning Boundary
- Waterbody
- Parcels

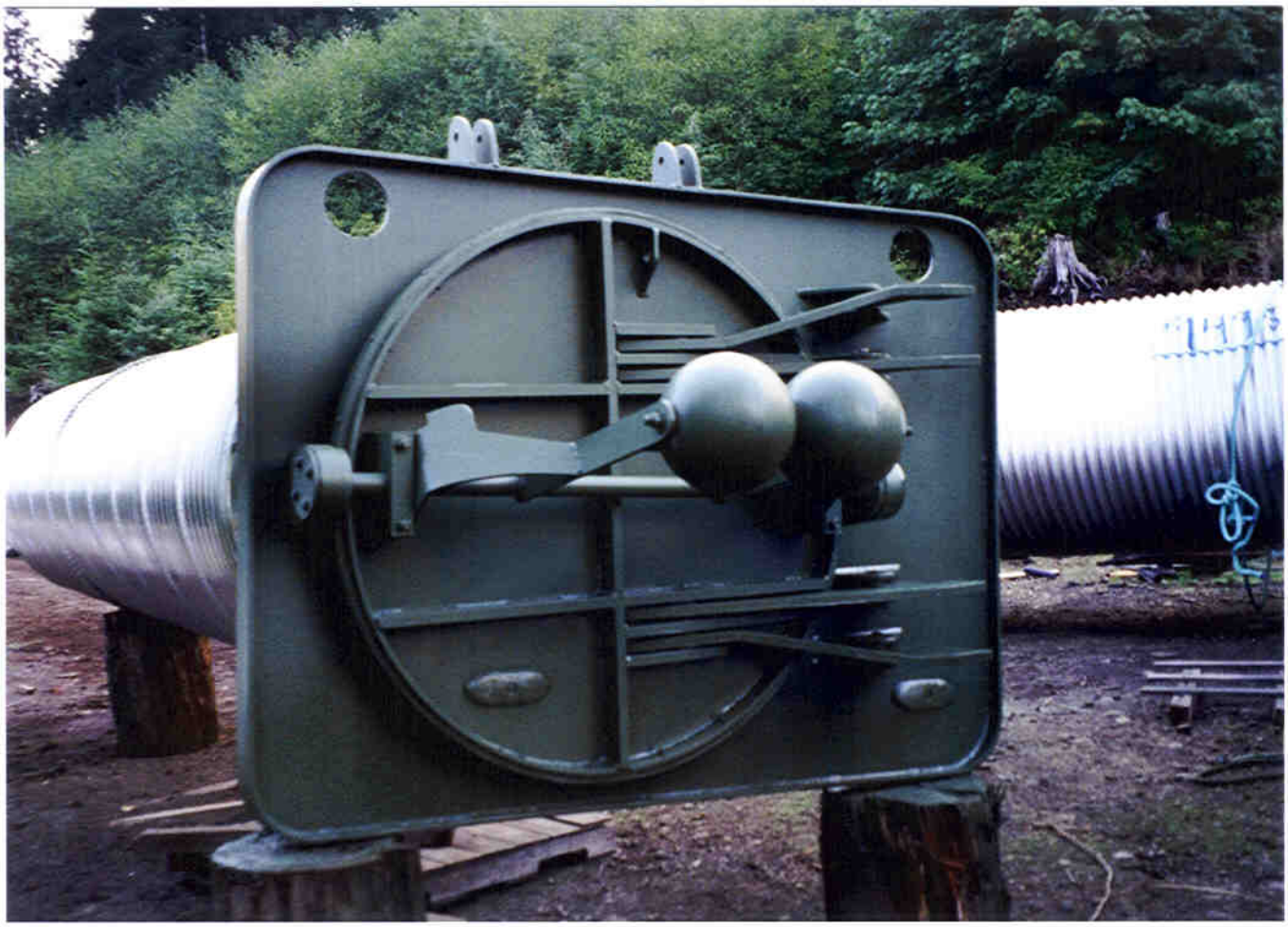
N W E S

RF 1:30,000

2000 0 2000 4000 Feet

*Source: W.H. Pratt, Swamp & Overflowed Lands, 1890-1891

c:\projects\bkang\tidelands Gis2 12\6\99



STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 1, P.O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-2009
FAX (707) 441-5869
TTY (Teletypewriter #707-445-6463)

Flex your power! Be energy efficient!

May 10, 2006

1-HUM-101-84.49
Arcata Baylands Enhancement/Restoration
APN: 501-042-001, et al

Michael Mullen, Senior Planner
Community Development Department
City of Arcata
736 F Street
Arcata, CA 95521

Dear Mr. Mullen:

Thank you for giving us the opportunity to comment on the draft mitigated negative declaration for the Arcata Baylands Enhancement/Restoration Project. The project proposes to restore/enhance freshwater, and estuarine wetands, as well as riparian habitats adjacent to the northern edge of Humboldt Bay. The project will involve tidegate modification or removal, fencing, re-vegetation, and construction of ponds. We have the following comment:

Any improvements done within the State right of way, including modification or removal of tidegates, will require a current encroachment permit. Requests for Caltrans Encroachment Permit application forms can be sent to Caltrans District 1 Permits Office, P.O. Box 3700, Eureka CA 95502-3700, or requested by phone at (707) 445-6342. The Caltrans Permit Manual is also available online in pdf format at:
< http://www.dot.ca.gov/hq/traffops/developserv/permits/ >.

If you have questions or need further assistance, please contact me at the number above or contact Lezlie Kimura of District 1 Community Planning at (707) 441-4542.

Sincerely,

Lezlie Kimura FOR

Jesse Robertson
Associate Transportation Planner
District 1 Community Planning

c: Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"